Volume #. 12

Royal Commission on Crime

April 18, 1962

Pages 2418 - 2651x

IN THE SUPREME COURT OF ONTARIO

BETWEEN:

KENNETH H. BROWN and JAMES T. GOW, Trustees, on behalf of themselves and all other Shareholders of Beleggings-Societeit, N.V., and the said BELEGGINGS-SOCIETEIT, N.V., as represented by the said Kenneth H. Brown and James T. Gow,

Plaintiffs,

- and -

BELEGGINGS-SOCIETEIT, N.V., as represented by W.H.J. de Boer and J.C.W.M. Huijsmans,

Defendants.

TRANSCRIPT OF ARGUMENT ON APPEAL

Date

Pages

Supreme Court Reporters
145 Yonge Street
TORONTO

INDEX OF WITNESSES

INDEX OF EXHIBITS

INDEX OF WITNESSES

JOHN MILES ANDERSON, sworn, by MR BOXWIN		PAGE NO
	MR WILSON	2486
JOHNSTON LIMOUZIN ROBERTS.	MR WILSON	2841
	MR MACKINNON	2858
JAMES ALLAN SPRINGER,	MR WILSON	3890
JOHNSTON LIMOUZIN ROBERTS (recalled)	MR WILSON	2537
JAMES ALLAN SPRINGER, (recalled)	MR WILSON	2941
	MR MACKINNON	2957

Page

INDEX OF EXHIBITS

No.	Description	Page No.
107 A	Search warrant dated 17th June 1950, giving authority to search the residence of one, David Hampsey	2488
107 B	Search warrant dated 17th June 1950, giving authority to search the office of one David Hampsey at 11 Adelaide Street West, Toronto	2488
108	Minutes of meeting of Police Commission of Twp of Norwich held on Nov. 13, 1938	2520

TUESDAY, APRIL 17, 1962

--- The Hearing reconvened at 10:10 a.m.

THE COMMISSIONER: You were finished with Sergeant Anderson?

MR. BREWIN: Not quite. I have a few more questions.

(Whereupon Sergeant Anderson returned to the witness box)

EXAMINATION CONTINUED BY MR. BREWIN:

Q. Sergeant Anderson, I would like to ask you a few questions about items in the reports made by Constable Scott which have, I think, been put in as an Exhibit. And I was referring firstly to the seventh report which was made on May the first, 1960. And under date of April the 27th, there are a number of items. Item "E" deals with a matter that may not be very important, but I want to see whether you recall it, at all.

This is information said to be given by Wright, to Scott. Item "E" here is:

"Chief Pays -"

who I gather is the chief constable at the Niagara Falls Police Department:

"at one time called Sergeant Anderson to come and see him and when the sergeant came the Chief Constable ridiculously said 'Did I call you?'"

Do you recall any such episode?

A. I recall that I did have a meeting with the Chief Constable at his residence.

I do not recall that he said what he said along that line.

Q. I see. Do you recall anything that brings this incident to your mind at all?

A. I recall the particular meeting, yes. But as I say, I do not recall him saying that.

Q. And then Item G, under the same, and the same recital states that Joe McDermott was on a hunting trip with two or three racketeers from the United States at James Bay, and Sergeant Anderson made inquiry regarding the trip, for which McDermott picked up the tab, for the hunting trip which cost three thousand dollars. Do you know anything about that? Did you make inquiries in regards to some hunting trip to James Bay?

A. Yes I did.

Q. And is that information, again, that you picked up?

A. I think it was two or three thousand dollars.

Q. And the tab, as stated, was picked up by McDermott?

A. That was what was said.

Q. Did you gain any information as to who the two or three racketeers were?

A. Later on Chief Graham made a more thorough investigation with that.

Q. He has that information?

A. That is correct.

Q. And then, in the eighth report of

May the 9th on page three, there is a reference under "F". Now this is information that is all again said to have been given by Wright, on Sunday, May the eighth to Scott. And "F" is:

"When the big investigation at Hamilton was being wound up at Hamilton and the branch drew men from the districts for the raids, Inspector Stringer phoned several people, including Joe McDermott, and told them what he knew . These raids were conducted at Hamilton three years ago, when Constable Lawrence had spent several months undercover in that city."

Do you know anything about the incident referred to there? Were you on that raid?

A. Oh, definitely yes. I can well recall the raid. I mean, it was quite an extensive one, in which he drew men from - from the other districts.

Q. Including Peterborough?

A. Including Peterborough.

Q. Were there some indication in the raid, or was there some indication that the people who had been there had got away ahead of time?

A. It was planned for a Friday night. I forget the exact date; it was November, 1957, and Constable Lawrence who had worked approximately five months in an undercover capacity in that city had gained entry to three fairly large clubs.

The night of the raid, two of the clubs had practically closed and would not admit him.

So the raid was not carried out that night.

Q. Did you answer the question? Perhaps you do not know the answer to it.

A. I do not know; if you are referring to the telephone calls, I do not know that such call was made.

Q. I did ask you, though: Whether there was some evidence that you knew of, or saw yourself, that some of those that were at these clubs got away before the raids actually took place.

A. Well, the clubs were not in operation. There were only a few persons there on that particular night, so the clubs were not raided.

Q. Is there anything else about that particular raid in Hamilton, on this incident, that you can help us on, at all?

A. There was a telephone call received, at our Provincial Police switchboard; and the call was placed by a person who claimed that he was a newspaper man, and he stated that the Hamilton City Police were going around, notifying the clubs that a raid was pending, and the party made specific notation at the time, or mentioned to the switchboard operator as to the time that he was placing the call.

Q. That, I understand, was November the 17th, 1957, is that right?

A. It was in November 1957, yes sir. It was a Friday evening; Friday night.

Q. And then there is another subject that I want to take up with you: my friend,

Mr. MacKinnon, called your attention to an entry of August the 15th, in the 1960 diary, or daily journal of Inspector Graham, which has been marked Exhibit 31 in this hearing. Will you look at that please.

A. Yes sir.

THE COMMISSIONER: I will look too.

(Whereupon the Commissioner and the Witness looked at a document.)

MR. BREWIN: Q. And I think, Sergeant, I think Mr. MacKinnon if Chief McGill had given information to you; I think the words were: "in similar words." Did Chief McGill discuss with you at any time the subject matter of that entry?

THE COMMISSIONER: Just answer!

THE WITNESS: Do you mean, the whole entry?

MR. BREWIN: Q. The whole entry or part of the entry. Was it discussed with you, by Chief McGill? That is, the subject matter. It is not the exact words.

A. Not the exact words, no. At a later date he did, but not names other than this name. (indicating).

Q. I see.

THE COMMISSIONER: Let me see that.

THE WITNESS: I was not here when this occurred (indicating to the Commissioner).

MR. BREWIN: Q. When was the later date, that you referred to?

A. That was January of this year.

Q. That would be 1962.

A. 1962.

Q. Would you have any entry relating to what McGill told you, on that date of January the 16th?

A. I would, in my 1962 diary.

Q. Has that been put in, as an Exhibit?

A. No sir. It is still down, in my office.

Q. It is still in your office? I see. In that entry of January the 16th, 1962, you have an entry in which you refer to Chief McGill telling you some part of what appears in Inspector Graham's diary, under the date of 15th of August, 1960. Is that right?

A. Well, he told me something but it is not exactly, or, it is not referring to exactly what is there.

Q. I see. Well, perhaps we could have that, and we could look at it, and he could be examined about it later. Would you mind bringing that?

THE COMMISSIONER: The 1962 diary.

THE WITNESS: The 1962 diary? yes sir.

MR. BREWIN: And then, it would be, perhaps, better to question you, when we see it -- the entries that you have made.

Was anyone there with you on this occasion in January 1962, when McGill gave you some information respecting ---

A. Yes sir. Inspector Robinson of the Toronto Township Police Department.

MR. BREWIN: That is all, as far as I am concerned.

EXAMINED BY MR. WILSON:

Q. In your evidence yesterday, you talked about a reference in your memorandum of November the 23rd, 1956, re a proposed meeting between the Commissioner, Shrubb, and yourself and you indicated that there had been a leak, in some way, of the story or facts about Inspector Stringer's approach to Shrubb, when they discussed the possible transfer to the Peterborough district. Is that correct?

A/3/AS

A. That information did get back to them, yes sir. But at that time that was being discussed verbally or was to be discussed verbally with the Commissioner, or rather, that there was other information which Corporal Shrubb had submitted that also got back to Feeley?

Q. You were concerned with the fact that it got back to Feeley? That is, Shrubb and yourself were concerned about that?

A. That is correct sir.

Q. Now to your knowledge, did anybody else have this information, other than Shrubb and Stringer?

A. Well, not to my knowledge, other than myself on occasions, when Corporal Shrubb would inform me there were other reports

submitted by Corporal Shrubb. I believe there were one or two that were from the late Inspector Tomlinson, to the Commissioner.

Q. Are you prepared to swear that no other person, other than Shrubb, and yourself and Stringer knew about those?

A. As I say, not to my knowledge, sir.

Q. Do you say that we should exclude from our thinking any possibility that anybody else knew anything about this?

A. I think Corporal Shrubb might be able to answer that better, if he told anybody else?

Q. Yes.

THE COMMISSIONER: You did not tell anybody else?

THE WITNESS: I did not tell anyone else, my lord.

BY MR. WILSON: Q. And the reference to what has been described as the 16 page memorandum that you made, which is headed "Statement of Sergeant J. M. Anderson re J. Wright," that was prepared after Wright was charged in May of 1960?

A. That is correct sir.

Q. On page 3 there is a reference to periodical meetings that you had with senior personnel of the Attorney General's Department, on matters pertaining to gambling.

A. Yes sir.

Q. What does "periodical meetings" mean?

A. Well, that is one of the things that I later -- Mr. Common wanted to see me about. I mean, periodical, referred to the meetings that I had had with Mr. Common and Mr. Bowman over a period of time; perhaps it was not the proper word. I did not see Mr. Common, nor was I in conference with him every week, or two weeks, or three weeks, or anything like that.

Q. Well, how often would you see him about such matters, in the year, say?

A. Well, for the period of time that I was in charge of the Branch, I do not think there were any more than, say, possibly ten. Six to ten. About ten.

Q. That would be in the fall of 1955, up to what time?

A. Well, that would be up to the time that the Vets Club folded; say, in 1960. Or around that, sir, approximately.

Q. Now, did anyone in the Attorney General's Department, to your knowledge, know anything about this Ramsey Club brief that Inspector STringer turned over to you, until after George Scott started his undercover work.

A. On that, I do not think so, and I can that for this reason: that Mr. Forestall, the Crown Attorney and I, were up to see Mr. Bowman one day, and it was before the trial. But, to say that they knew about the brief or that it was discussed, I could not say sir.

Q. Have you any knowledge of their having been informed about this brief, prior to 1960?

A. No sir, I have not.

Q. Who actually issued to search warrant for the search of David Humphrey's office and home?

A. I believe in both of those instances, sir, Constable Moore obtained the warrants. I do not know who issued them

Q. Well, you were the one ---

A. I executed one.

Q. You executed one?

A. I executed one, yes sir.

Q. So, you probably had the warrant with you?

A. I had the warrant with me.

Q. Which one did you execute? The one on the residence, or the office?

A. The residence, sir. That would be this one here. (Indicating)

Q. I show you a warrant to search the residence dated the 17th of June 1960. And who is the issuing Justice of the Peace.

A. The last name was Patterson. I do not know whether it is N, or W. Patterson at the City Hall.

Q. At the City Hall, Toronto?

A. Yes sir.

MR. WILSON: That will be Exhibit 107.

And while we are at it, we might as well put in the other warrant which is dated the same day.

THE COMMISSIONER: May not put them in, as A and B.

MR. WILSON: That is what I was going to do. A relates to the residence, and B to the office at 11 Adelaide Street West, both issued by the same Justice of the Peace.

THE COMMISSIONER: And what is his name?

THE WITNESS: Patterson.

MR. WILSON: The initials are W. W. Patterson.

--- EXHIBIT NO. 107A: Search Warrant, dated 17th June 1960, giving authority to search the residence of one, David Humphrey.

--- EXHIBIT NO. 107B: Search Warrant, dated 17th June 1960, giving authority to search the offices of one: David Humphrey, at 11 Adelaide Street West.

BY MR. WILSON: Q. Did you enquire from Humphrey when you had chatted with him on June the 9th 1961 and when he told you that he knew of the warrants for five days before they were executed, as to where he got the information?

A. No sir, I did not.

Q. You did not ask him whether somebody at City Hall had told him about that?

A. No, sir I did not.

THE COMMISSIONER: The warrants of June the 17th; and what is the date of the raid?

THE WITNESS: June the 22nd. The 17th would be the Friday. The 22nd was the Wednesday.

MR. WILSON: Could I have the diary, Exhibit 37 (handed to learned counsel).

(To the witness) You were asked about a meeting you had on October the 17th, 1960, with Chief Constable McGill of Toronto Township, which is referred to in your diary?

A. Yes sir.

A/4/AS MR. MacKINNON: What was that date, again?

MR. WILSON: October the 17th. I beg your pardon; it was Cyril Clarke, and not McGill. Maybe you had better give the witness the diary. (Talking to Registrar).

THE WITNESS: I had better see the diary.

BY MR. WILSON:

Q. Maybe you had better see the diary.

A. 1960

Q. It is certainly not McGill on that date.

A. This is not mine (indicating document).

(Page 2438 follows)

THE COMMISSIONER: Exhibit 37?

On what date?

MR. WILSON: The date is October 17th, 1960.

Q. Now, who were present at that meeting with Mr. Clark?

A. Inspector Robinson of the Toronto Township Police Department, and myself, and Mr. Clark.

Q. And, have you discussed this meeting and what took place since that time with Inspector Robinson?

A. No, sir, I have not.

Q. And, dealing with what you call Item 5, I cannot quite follow this reference to the fifty-one per cent of the mining claims. What does that mean?

A. There was a discussion about McDermott and Feeley being in the mining business, and Mr. Clark made reference to the fact that they had sold fifty-one per cent of their mining claims.

Q. To whom?

A. Well, as he said, it was bought through the Minister of Mines, but he didn't say who they sold it to.

Q. Bought through the Minister of Mines?

A. Yes, sir.

Q. Yes. And, what was improper about

that?

A. Well, I don't know, except at the last there was reference to the fact that the Minister of Mines had been paid off.

Q. Are you quite sure about that?

A. Yes, sir.

Q. About some pay-off?

A. Yes, sir.

Q. What was the pay-off?

A. Well, of course, that part I do not know.

Q. Well, the reason why I put it to you is because I intend to call Inspector Robinson on this same point.

A. Yes, sir.

Q. I just don't follow it; it just doesn't make sense to me; it may make sense to you.

A. It did at the time. As I say, you make brief notations of it. I tried to point out the highlights of the conversation.

Q. Well, that is your best recollection?

A. Yes, sir, that is right.

Q. I think that is all, thank you.

Now, just -- There is one further point I think I have not covered: Who gave the instructions to raid the Old Ramsay Club on August 18th, 1958?

A. No one gave instructions, sir.

It was a Monday, and from information that I had ascertained, that Monday night was the best night. It was a little bit in contradiction to the usual way of operation; In other words, Friday night -- Thursday or Friday night is usually a better night. But, I didn't receive any instructions from anyone to raid that night.

Q. Well, did you, yourself, give the orders for the raid?

A. Yes, sir.

Q. But, nobody higher up had told you to raid that Club on that occasion?

A. No. As I say, that from information received, Monday night was the best night to raid.

Q. And, had you received any instructions after you received that brief or before you received that brief from Stringer to raid that Club?

A. I can't say that it was in the form that, "Raid it"; it was information passed on about the Club in operation.

Q. You have told us about various information that you received?

A. Yes; no one said, "Raid it", or "Raid it on a certain night", or "Get busy and raid it", or anything in that way.

Q. And, you were the one who made up your own mind as to the time that the raid should be made?

A. That is correct, sir.

Q. That is all.

MR. BREWIN: I wonder -- Mr. Commissioner, I wonder if Sergeant Anderson could bring that 1962 diary fairly soon before we forget it?

THE COMMISSIONER: Yes, all right.

THE WITNESS: To-morrow, sir, would that be satisfactory?

THE COMMISSIONER: Yes, to-morrow will be all right.

MR. BREWIN: To-morrow.

---Whereupon the witness withdrew.

- - - - - - - - - -

MR. WILSON: I am going to call Magistrate Roberts.

JOHNSTON LLEWELLYN ROBERTS, sworn

EXAMINED BY MR. WILSON:

Q. You are a Magistrate at what location?

A. I am a Magistrate, sir, for the East Riding of Welland County.

Q. And, that includes?

A. The City of Niagara Falls, the Township of Stamford, the Village of Chippawa, Bertie Township, the Village of Crystal Beach and the Town of Fort Erie, also.

Q. And, how long have you occupied that position?

A. It will be ten years, sir, the first of next month.

Q. Are you a member of the Police Commission?

A. I am, sir.

Q. And, that police Commission, does it cover the same geographic area in which you are Magistrate?

A. No, sir, I am a member of the Police Commission for the City of Niagara Falls and the Township of Stamford, and the Township of Bertie and the Town of Port Erie, they are separate Commissions, sir.

Q. Now, were you aware of any alleged gambling establishment carried on in the City of Niagara Falls under the name of The Ramsay Club?

A. Yes, sir. As a member of The Board of Police Commissioners this Club came to the attention of the Commission of which I am a member about May of 1958, sir.

Q. May of '58?

A. That is correct.

Q. And, that was the establishment at 1693 Victoria Street or Victoria Avenue?

A. Yes, I think that is correct, sir.

Q. In what way---

BY THE COMMISSIONER: Q. You say May, 1958?

A. Yes, sir.

MR. WILSON: Q. In what way did the activities that were being carried on at that address come to your attention?

A. They were brought to the attention of the Board of Police Commissioners by the Police Department, sir, and the Chief Constable, I think, being a small community -- living in a small community, everyone was aware or had an idea, perhaps, that there was some sort of illegal operation being carried on at these premises.

Q. Who comprised the Police Commission at that time?

A. His Honour Judge Fuller, the Senior County Court Judge for Welland County, the Chief Constable; Mayor Hawkins and myself.

THE COMMISSIONER: Q. Did you say Mayor---

A. Mayor Hawkins.

MR. WILSON: Q. What are his initials?

A. E. M., sir.

Q. E. M. Who was the Chief of Police that you speak of?

A. Chief Constable C. R. Fay, sir.

Q. Yes. What report did the Chief Constable make to the Commissioners at that time?

A. To the best of my recollection, sir, it is some considerable time ago now -- it is a suspicion that illegal gambling activities were operating there, and it was interesting to note that they were operating under a Federal

Q. Mr. Chairman, Q. In what way did the activities that were being carried on at that meeting come to your attention?

A. They were brought to the attention of the Board of Police Commissioners by the police department, city and the State Department. I think, being a small community -- living in a small community everyone has heard or did hear there, that there was that sort of [illegible] conduct being carried on at those premises.

Q. Was [illegible] the [illegible] or just that?

A. His [illegible] County Court judge for Midland County, the Chief Township Peace Officer and myself.

THE CHAIRMAN: Q. Did you say [illegible]

A. Peace officer.

Mr. Atkinson: Q. What was his initials?

A. E. M., sir.

Q. E. M. Who was the chief of police?

A. Chief Donohoe: Q. R. Hay, sir.

Q. Yes. Just report did the chief complaints come to the commissioners as that time?

A. To the best of my recollection, sir, it is some considerable time ago -- it is a [illegible] that [illegible] activities were occurring there, and it was brought to our [illegible] [illegible]

Charter.

Q. What did he ask you to do about it?

A. He asked us to give him instructions and give him advice on how to handle the situation he had brought to our attention.

Q. What advice or instructions did you give to the Chief?

A. We instructed him to raid the premises whenever he felt he had reasonable and probable grounds for doing so.

Q. Did this matter of the Club come up at more than one meeting of the Board of Police Commissioners?

A. Yes, sir, at numerous meetings -- on numerous occasions it came up at our regular meetings.

Q. That is, starting in May, 1958?

A. That is correct.

Q. What, shortly, were the reports that you received at that time and shortly after May of 1958?

A. The reports were made from time to time to the Crown Attorney, and the result was that up until August 18th, there were no reasonable and probable grounds for laying a charge against the Club and its operators.

Q. And, did any other person contact you regarding this matter in this period from May, 1958 through to August, 1958, in regard to

the operation of the Club, apart from any knowledge that you have heard of it at the Board of Police Commissioners?

A. No, sir, not to the best of my recollection, other than citizens or persons who expressed wonder at what was going to be done about it, because there was a feeling that the Club was operating illegally; but no specific representation or submission was made to me on that point, sir.

Q. And, did you or your fellow Commissioners, between May and August of 1953, make any representations to any other authorities?

A. Sir, at that time, as I recollect it, we made an effort to have the building inspector or local building inspector to see if it complied with the local building by-laws in the City, and also, similar representations were made to the local fire inspector to see if anything could be done in that behalf so far as the operation of the premises was concerned.

Q. Did you as a Board of Police Commissioners make any representations to the Ontario Provincial Police in that period?

A. No, sir, not specifically from the Commission, because as I understand it, at that time, sir, Niagara Falls City Police and the Ontario Provincial Police were acting together on it and dealing with it as a joint operation. It was a joint operation.

Q. Did you know Inspector J. A. Stringer of the Ontario Provincial Police at Peterborough -- for Peterborough district?

A. I don't know him, sir. I have not seen him, sir, until this morning when he was pointed out to me in the hall.

Q. Do you know David Humphrey, a local lawyer?

A. I know him socially, sir, and I have seen him at meetings of the Canadian Bar Association I have attended, and he appeared on one occasion before me, and he appeared before the Bertie Township Police Commission in 1958, shortly after the Commission was formed.

Q. Did you know or have you ever met either Joseph McDermott or Vincent Feelay?

A. I know neither one of them, sir, and I have never met either of them or corresponded with them in any way, shape or form.

Q. Now -- Would you show the witness Exhibit 102? -- Exhibit 102 is a brief or memorandum headed "re Ramsey Club", as you will see, sir.

A. Yes, sir.

Q. And, it is some nine pages.

Have you ever seen that document before, or a copy of it?

A. I have seen a copy of it, sir, a month or so ago -- within the last month.

Q. When did you see it for the first time?

A. Sergeant Anderson showed it to me.

Q. Within the past month?

A. Yes. I think this is the one he showed to me. The one that he showed me was that I had knowledge of this -- Yes.

Q. I direct your attention to page 8; the second paragraph reads as follows:

"I would suggest that Magistrate "Roberts of Niagara Falls, Ontario "be advised of your intentions in this "matter, and possibly he will consent "after reading this brief to disqualify "himself..." -- and so on.

Now, had anybody at any time approached you and discussed this document with you prior to August 18th, 1958?

A. No, sir.

Q. Or, did anybody approach you to discuss this document at any time after August 18th, 1958, up until the time Sergeant Anderson showed you a copy of it about a month ago?

A. No, sir, I had no knowledge of it until that time, sir.

Q. Around about the time of -- Well, let me put it to you this way: Did you have any knowledge of any visit made by Judge Griffiths to the Attorney General's Department to discuss

this matter?

A. I had knowledge of the fact that Judge Griffiths discussed something in connection with the Bertie Township, not in connection with this matter.

Q. I was going to deal with Bertie---

A. This has to do only with Bertie.

Q. As far as Bertie is concerned, is it correct to say that their Board of Police Commissioners was established recently, or comparatively recently?

A. The Board of Police Commissioners of Bertie was established January 1st, 1958 when the Municipal Police Force was established, taking over from the Ontario Provincial Police.

Q. Who were the members on that Commission?

A. His Honour Judge Griffiths, Reeve F. House, Fred House, and myself, sir.

Q. Now, in the Township of Bertie we have heard about a Club operating there called The Frontier Veterans Association?

A. That is right, sir.

Q. Now, did the activities of that Club come to the attention of your Commission?

A. Yes, sir. As soon as the Club was formed the Chief Constable brought this matter to our attention and asked us what we should do about it, bearing in mind that this

Club had a Provincial Charter. At this time we instructed the Chief Constable to carry on in the normal course of his duties and raid this Club whenever he had reasonable and probable grounds for doing so. And, His Honour Judge Griffiths, after it was suggested to us at a Police Commission meeting where, I believe, Mr. Humphrey attended and submitted to us that we were persecuting this Club by repeated raids on it by the Police Department.

Q. Let us see if we can establish the approximate time of this meeting.

A. From between the 1st of January and March or April, to the best of my recollection, sir.

Q. And, do you remember whether Mr. Humphrey appeared alone or was there anybody with him?

A. No, there were persons with him I do not know, sir.

THE COMMISSIONER: Q. Just a moment. Don't go too quickly. He appeared before your Commission?

A. Yes, sir.

MR. WILSON: Q. Well, would there be any minute of the meeting at which Mr. Humphrey---

A. Yes, there are minutes of the meetingsof the Police Commission of Bertie Township.

Q. And, have you examined them since I told you you would be called here as a witness?

A. Yes, I have examined them. I don't know what dates he appeared; we only had a meeting once a month, so it would have to be sometime between January and March.

Q. Yes. I am informed it was February 13th.

A. That would be correct, sir.

Q. You say you do not know the identity of the persons with him?

A. No, I do not.

Q. Were there more than one?

A. I believe there were two, sir.

Q. And, are those persons identified in the minutes of your police commission meeting, do you know?

A. I'm not sure whether they are, sir; I don't believe we identified them. They didn't make representations; Mr. Humphrey spoke on behalf of them.

Q. What was the representation he made on this occasion?

A. The representation was to the effect that this was a lawfully chartered social club operating under a Provincial Charter---

THE COMMISSIONER: Q. Don't go too quickly.

A. This was a lawfully chartered social club operating under a Provincial Charter,

and that the---

Q. Just a moment, now. Yes?

A. And that the repeated raids by the local Police Department...

Q. Yes?

A. ...were not in order, or were not proper.

MR. WILSON: Q. Did he tell you whom he was representing?

A. Well, as I recollect it, sir -- it is four years ago -- he represented the persons who had the Charter for the Frontier Veterans Club.

Q. And, was that about the substance of what he had to say?

A. That was right, sir. That was about the substance, as I recollect it. And, as a result of that, His Honour Judge Griffiths went to consult with the officials of the Department of the Attorney General.

Q. And---

MR. BREWIN: I wonder if the witness could speak up a little; I did not hear the last of his answer.

THE WITNESS: I am sorry, sir.

THE COMMISSIONER: Q. As a result of that Judge Griffiths consulted with...?

A. The officials of the Attorney General's Department, sir. I am sorry.

MR. WILSON: Q. And then did Judge Griffiths report back to your Commission?

A. Yes, as I recollect, he did, sir.

Q. What was the substance of his report?

A. The substance of his report was to the effect that the Board of Police Commissioners of the Township of Bertie was responsible for the policing of that municipality, and that the matter was entirely within our hands.

Q. In other words, it was left up to your Commission to decide how you would deal with the situation?

A. That's right, sir, as I recall it.

Q. You -- Your Chief of Police carried on some fifty-eight raids on these premises?

A. Fifty-eight? Fifty-nine raids, sir, between that period, on the Club.

Q. That is the period between January 1st, 1958 and July of 1958?

A. That is correct, sir; with ten men.

THE COMMISSIONER: Q. How many raids did you say?

MR. WILSON: Fifty-eight is my recollection.

MR. MacKINNON: The evidence is fifty-nine.

THE WITNESS: Fifty-nine.

MR. WILSON: Fifty-nine; I stand corrected.

Q. Now, as a result of this police

activity the Club closed up?

A. Well, I would like to think that, sir; the Club left in July, within six months that the police force of ten men took over.

Q. When you say you would like to believe that, have you evidence to say that they are operating elsewhere?

A. No, I have not. I was -- I didn't want to be presumptuous.

Q. Apart from this attendance of Mr. Humphrey, was there ever any other representation or submission made to members of the Police Commission?

A. Not to my knowledge, sir.

Q. Was there ever any other representation to your knowledge apart from this representation before the Board of Police Commissioners?

A. No, sir, there was not.

Q. And, in your experience as a member of the Commission for the Township of Bertie during this period from January 1st, 1958 to July, 1958, what was the nature of the co-operation that your Force got from the Ontario Provincial Police?

A. So far as I am aware, sir, and to the best of my recollection, again bearing in mind it is four years ago, whenever we asked for assistance we received it. I remember we asked Inspector Marsden to meet us at Bertie when

we first formed the Commission to see what co-operation we could expect in handling the situation which we inherited, and we received from Inspector Marsden the promise of best co-operation, and, to the best of my recollection, sir, we got it.

Q. You got it. Now, in connection with your duties as a Magistrate in the areas you have described, and your duties as a member of the Police Commission in three different areas, as I recall---

A. Four, sir.

Q. Oh, four, is it? Having in mind all those different functions which you discharge, have you any knowledge of any improper relationships between any senior members of the legal ~~personnel~~ personnel of the Attorney General's Department and any other person or persons?

A. I have none whatsoever, sir.

Q. And, have you any knowledge of any such legal personnel in any way bringing about the termination of any investigation of any matter that came under your jurisdiction?

A. No, sir, and I think that the advice and assistance which we received through His Honour Judge Griffiths was of a great deal of assistance to us, particularly in Bertie.

Q. And, that was the advice of the Attorney General's Department which was conveyed

to you through Judge Griffiths?

A. That is correct, sir.

Q. And, have you any knowledge of any of these persons in these capacities attempting to bring about the suppression of evidence?

A. No, sir, I have not.

Q. Or, have you any knowledge of any improper payment of money to any senior legal personnel of the Attorney General's Department?

A. No, sir, I have not.

Q. Now, it has been given in evidence here by Sergeant Anderson, Sergeant John Anderson, that he was advised by Inspector J. A. Stringer, the District Inspector at Peterborough, that you had a hand in drafting the nine-page document which you have beside you there and which is Exhibit 102.

What do you say as to that?

A. That is---

THE COMMISSIONER: He has said he never heard of it until thirty days ago.

MR. WILSON: I think I have covered it, but I just want to be sure.

THE WITNESS: That is not true, sir. That is absolutely not true. I had no knowledge of this brief -- I did not know it existed until last month.

MR. WILSON: That is all, thank you.

-- - - - -

THE COMMISSIONER: Have you any questions, Mr. MacKinnon?

EXAMINATION BY MR. MacKINNON:

Q. I realize that it is some time ago, but do you think you might possibly identify photographs of the people who were with Humphreys on the occasion he appeared before the Bertie Township Police Commission?

A. Sir, I do not believe I could, and I would not like to hazard a guess. It is four years ago...

Q. And you have seen a lot of people since then?

A. I have. And, any representations that were made were made by Mr. Humphrey.

Q. Did anyone subsequently mention to you who these people were?

A. Yes, someone suggested that one of the men might have been a man by the name of Ross. Now, who he is, I have no knowledge whatsoever. It might have been Ross, but I have no knowledge whatsoever.

Q. Then, so far as this Ramsay Club and, we have differentiated here between the Old Ramsay Club which was raided on August 15th, 1958, and then the New Ramsay Club which opened under new management, (if I can put it that way), some time in 1959.

Now, dealing with the Old Ramsay Club,

you have advised us that the Chief Constable came and spoke to the Commission about this Club. Now, did you at any time speak to David Humphreys requesting that something be done about this Ramsay Club -- the Old Ramsay Club?

A. No, sir. I would have no reason to speak to him. No, sir.

Q. I am sure you wouldn't. Now, it was Judge Fuller, was it, who was another member of the Niagara Falls Police Commission?

A. Yes, sir, that is correct, sir.

Q. Did he ever advise you that he had spoken to Mr. Humphrey about this Old Ramsay Club?

A. No, sir, he did not.

Q. Were there any other members of the judiciary in Niagara Falls? There is-Judge Griffiths---

A. Yes, Judge Griffiths, he is the junior Judge for the County of Welland.

Q. He is not on the Police Commission, though?

A. Not on Niagara Falls, no, sir.

Q. Did he ever advise you that he had spoken to Mr. Humphrey prior to August 15th, 1958?...

A. No, sir.

Q. ...about the Old Ramsay Club?

A. No, sir.

Q. Now, was there any complaint made to you -- by "you" I mean the Police Commission of Niagara Falls -- about the opening of the New Ramsay Club on Stanley Street?

A. Yes, indeed there was, sir.

Q. Was that brought to your attention by the Chief of Police as well?

A. Yes, but I think we knew, sir, without it being brought to our attention what was going to happen in it, because applications were made for alterations in it by persons, and it was brought to the attention of the Commission that certain things were going to be done at certain premises, and the Chief also informed us that the Ramsay Club was going to re-open at this premises.

Q. And, this terminated in the arrest of Police Constable Wright in 1960; isn't that correct?

A. That is correct, sir.

Q. And, I take it your instructions were to the police force to raid the premises whenever they had reasonable and probable grounds?

A. Yes. We did something else, if I may tell you.

Q. Certainly.

A. Early in 1960 -- the New Ramsay Club opened in early 1960---

Q. 1959.

A. 1959. We wrote to the Secretary of State requesting the rescinding of this Charter, and the Secretary of State wrote to us in reply saying we would have to convict the premises. And, Judge Fuller directed the Police Department to prepare a brief under our supervision in June, 1958---

THE COMMISSIONER: Q. You are going very quickly.

A. I am sorry, sir. The Police Department was directed to prepare the brief under our supervision. The brief was prepared, and on June 28th, 1960, a copy of this brief was sent to The Minister of Justice, and a copy was sent to The Secretary of State. The Ontario Provincial Police co-operated, as well as other police departments throughout Ontario and New York State in the preparation of this brief, and this brief culminated in an application made at the last Sittings of the Supreme Court in Welland County re the rescinding of this Charter.

THE COMMISSIONER: Q. As far as you know for an Order rescinding this Charter?

A. That is right, sir.

MR. MacKINNON: Q. But, prior to the submission of this brief, I am informed that the Club had ceased operations as of that date?

A. That is right, sir.

Q. Were you aware that the provisions of the Charter did not provide for a clubhouse, in other words, it was not entitled to have a clubhouse?

A. I wasn't aware of it, sir.

Q. You had not examined it that closely?

A. I hadn't examined it that closely upto that time, sir. I wasn't aware of it at the time we wrote to the Secretary of State, sir.

Q. Do you know of any co-operation regarding an application in that regard?

A. I think there was from the police departments, the local police departments in Niagara Falls, New York and Buffalo, and there might have been co-operation of other American law enforcement agencies I don't remember.

THE COMMISSIONER: Q. What was the nature of their co-operation?

A. Well, the police had more or less, I would suggest, complete lists of people who frequented these premises, and assistance was asked for from the police departments if these people had criminal records and what their reputation was in the individual communities in which they lived.

Q. Has your Commission a copy of the brief that was sent to the Minister of State in the United States?

A. Yes, sir, we have.

Q. And, does it contain information about the persons who had police records across the international boundary?

A. Yes, sir, it does.

MR. BROWIN: Mr. Commissioner, I was going to ask the witness if he could obtain a copy for our perusal.

THE COMMISSIONER: Q. Would you see that we have one?

A. Yes, sir, I will certainly see one is provided.

MR. WILSON: I was going to ask the witness to phone as soon as he leaves so that we would have it here to-day -- the information from the minutes, that is.

MR. MacKINNON: Yes, for February 13th, I think was the date.

THE COMMISSIONER: Q. You sent a brief to the United States, did you say?

A. Yes.

Q. You know charges were laid as a result of the August 1958 raid?

A. Yes, sir, I do.

Q. And, you did not hear those charges, did you?

A. No, sir, I did not.

Q. What was the reason for that?

A. There was a Motion by counsel, and there were three counsel on that; there was

Mr. Sedgwick, Mr. Fleming and Mr. Hopkins. There was a Motion made that because I had---

THE COMMISSIONER: Q. Just a moment, my pen has gone dry. Mr. Sedgwick, Mr. Fleming, and who else?

A. Mr. Fleming and Mr. Hopkins.

Q. Hopkins?

A. Yes, sir.

Q. They represented whom?

A. They represented the persons charged, sir, with the offence.

Q. They made a Motion?

A. They made a Motion that I should disqualify myself from hearing it because I had given some of the search warrants to some of the police officers who raided this premises. There was also a suggestion, because I was a Police Commissioner I might have been too concerned with the particular operations of this Club, and I have always made it a rule that when the reasons are sufficient, as in this case, I disqualified myself.

Q. You did not require them to get an Order for Prohibition?

A. No, I did not require them to do that; I decided.

MR. MacKINNON: Q. In any event, I gather they were not anxious to have you hear the charges?

A. No.

THE COMMISSIONER: Well, they acted properly and made proper representations.

MR. MacKINNON: Q. It was Magistrate Hallet who heard the charges?

A. Yes, it was.

Q. We are advised he was ill during the course of this hearing?

A. Yes.

Q. Do you know how long he was away ill?

A. No. Magistrate Hallet does not hold court in the same jurisdiction; he has a jurisdiction in the County of Lincoln. I wouldn't know that.

THE COMMISSIONER: Have you any questions, Mr. Brewin?

MR. BREWIN: No.

MR. WILSON: Q. Now, if you would be kind enough to use our office and phone and ascertain the particulars of your minutes of the Bertie Police Commission of February 13th, 1958---

A. Yes, sir; and what, particularly, do you wish?

Q. I want to know exactly how it is recorded.

A. How it is recorded -- February 13th, 1958?

Q. Yes, and also, you can inform yourself as to the name of the other person or

persons who were with---

A. I will try, sir, but the minutes may not disclose the names. I do not think they do disclose the names.

Q. Also the date that the Commission instructed the Police Department to prepare the brief which was submitted to the Secretary of State at Ottawa.

A. Do you wish the exact date?

Q. Yes, the exact date.

MR. MacKINNON:

There is one other thing; you mentioned you had another copy of the Ramsay Club Charter; I was wondering if we might have a copy, because it might be difficult to get a copy otherwise.

THE COMMISSIONER: You do not have a copy?

MR. MacKINNON: No.

THE WITNESS: Do you wish me to have that returned when I return to Niagara Falls?

MR. MacKINNON: Yes.

THE COMMISSIONER: Fine.

THE WITNESS: Thank you very much.

---Whereupon the witness withdrew.

- - - - -

MR. WILSON: I will call Inspector Stringer as my next witness.

MR. BRUMIN: Sir, my friend told me that he proposes to call Inspector Stringer at this stage yesterday, and I realize it is his function as Commission Counsel to decide the order of witnesses, but I then said to my friend, and I now repeat to you, sir, that this is the most unfortunate order of calling witnesses. We have been in somewhat the same difficult position already because Corporal Shrubb, now Chief Constable Shrubb, I believe, has prepared material that has been made available to us which will be extremely important to us, I think, in the course of the cross-examination of Inspector Stringer. I do not want to be put in that position, and I don't know whether Mr. MacKinnon agrees with me, where we are put in the position with respect to things Sergeant Anderson has brought up that Inspector Stringer may know about it, and then we have Corporal Shrubb to come up relating matters that affect Inspector Stringer, and then we have him called back on a second matter. I think, in putting in Inspector Stringer, some aspersions have been cast upon him, and there may be more, and I think it is only fair that he have an opportunity to answer them. I would suggest, sir, that you listen to what Shrubb's report is or may be and that it should be put before this Commission and then Stringer can be put before

Mr. Hickey. I will call Dorothy Thomas as my next witness.

Mr. Hickey. Mrs. Hickey, may I have leave to ask you a question in cross-examination? Judge, in this stage proceeding, and I realize it is in the discretion of the Court, I would like to ask the witness a question, but I have made it in my letter, and I ask counsel to see, Mr. Hickey, that it is the best information, since of nothing, witnesses. We have been in consent the Hickey provides already because Dorothy Hickey, Mrs Hickey's letter, I believe, has produced documents that have been made available to us which will be necessary. Therefore to me, I think, in the course of the cross-examination of Dorothy Hickey. I do not want to be put in that position, and I don't know whether in Hickey opinion that we, prior to are put in the position with respect to Hickey Hickey Hickey and Hickey Hickey Hickey may have about it, and then we have Hickey Hickey to come up something evidence that affect Hickey Hickey, and then to have him called back on a second occasion. I know, in getting Hickey Hickey, that questions have been made upon him, and there may be more, but I think it is only fair that to have an opportunity to consider them. I would suggest, sir, that you listen to what Hickey's request is or may be and that to ensure he you before this commission and then Hickey can be put before

the Commission and answer all the things in the report at one time, and then we can cross-examine him on all the matters at one time.

I do not know if you have seen the things in the reports which will affect Stringer, but I think if you have you will appreciate the full effect of what I am saying now.

THE COMMISSIONER: There are other things contained in the reports---

MR. BREWIN: Yes, it is extremely unfortunate for anyone being put in the position that Shrubb may say this and he may say that and he does not have an opportunity to answer, and we do not have the opportunity to cross-examine him on that.

THE COMMISSIONER: You are associating yourself with Mr. Brewin?

MR. MacKINNON: Yes, sir. You will remember that I was examining Sergeant Anderson in the box and I referred him to Shrubb to set the stage and lay a foundation with respect to Sergeant Anderson, and Inspector Stringer, and you said it was suspicious, and you said, sir, to wait until he was in the box, and I think it applies with even more force to Stringer than the matters brought up as to what Shrubb had reported to Anderson about Inspector Stringer over the years and leading up right into in June of that year, because he was having phone calls from Feeley

in that very brief. He also mentioned the brief, sir, as you know, sir, and the phone calls and numbers he was calling ceased, and the phone calls in that brief to say he was calling Stringers number, and it does seem to me to be calling him out of order to call him at this stage.

THE COMMISSIONER: What do you say, Mr. Wilson?

MR. WILSON: Sir, I say I am not calling him out of order at all. I say with the greatest respect, it does not matter what Humphrey says or what Anderson says, or anyone, it is the facts we are concerned with here.

MR. MacKINNON: It is the facts.

THE COMMISSIONER: It is the facts.

MR. WILSON: The phone calls my friend talks about will be dealt with. I also have a statement from Stringer with respect to those phone calls, and there will be no problem of cross-examining about that. I see no reason to facilitate my friends' cross-examining on opinions---

THE COMMISSIONER: No, no, it is not a question of cross-examining on opinions; Shrubb has related certain facts, so I am told by counsel, and I intend to get those in.

MR. WILSON: Shrubb has nothing to do with the brief.

MR. [illegible]: He has a good deal to do, I submit.

THE COMMISSIONER: I do not know whether he has or has not.

MR. WILSON: Shrubb did not know about the brief until after the August 18th raid.

THE COMMISSIONER: Is there any objection to putting Shrubb in at this time?

MR. WILSON: No.

THE COMMISSIONER: Why do you wish to call Stringer at this time?

MR. WILSON: Well, I have prepared it this way and I wanted to stick to it in the order that it has been prepared.

MR. BROWIN: I wonder if I could reply to my friend; I would be the last to dictate to my friend the order of calling witnesses, but we do have the situation here where we do know facts that Shrubb is going to give in evidence, and if my friend suggests there is something improper, I can assure him that we want to aid the cross-examination only. Now, I am giving reasons, sir, and my friend has given no reason why he should not be called at this stage, and you, sir, asked him the question why he should not call Shrubb first, and he says he knows of no reason why he should. I suggest it would be helpful to this Commission if we put it in a different order. Then, it may be my friend suggests---

THE COMMISSIONER: You gentlemen have an advantage over me; you know the facts you want to get in evidence before Mr. Stringer goes in the

witness box.

MR. MacKINNON: Would you like to read this report; it might help you.

THE COMMISSIONER: What report is that?

MR. MacKINNON: Well, sir, Shrubb's statements on these matters which were made, I believe, to Inspector Graham with regard to the prosecutions of Feeley and McDermott, and copies of this were handed to myself and Mr. Wilson a week ago.

THE COMMISSIONER: Which one of these are you talking about, the one in your right hand or the one in your left hand?

A. Both, actually, sir. One is a cross-examination.

THE COMMISSIONER: It would take me pretty nearly half a day to read that.

MR. MACKINNON: It starts back in 1955 with his background. This is a chronology that he has made, and then it is referring to his record, to his reports -- this is the official reports.

THE COMMISSIONER: Well, supposing we rise for ten minutes, gentlemen.

MR. MacKINNON: These are the reports, sir.

THE COMMISSIONER: I won't have time to read these in ten minutes.

---Whereupon the Commission recessed at 11:20 a.m.

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(Page 2490 follows)

(page 2490 follows)

---Upon resuming at 11:40 a.m.

THE COMMISSIONER: Mr. Wilson has been appointed counsel for this Commission and he has assured me that in his opinion calling Stringer at this stage will result in the most orderly presentation of the facts, and I am not prepared to interfere with the opinion that he has reached, or differ with it in any way. Go ahead, Mr. Wilson.

MR. WILSON: I will call Inspector Stringer.

JAMES ALLAN STRINGER, sworn:

EXAMINED BY MR. WILSON:

Q. When did you join the Ontario Provincial Police?

A. February the 1st, 1927.

Q. And since that time in what branches of the Force have you served with - what ranks?

A. Just Sergeant, and Inspector,

and Constable.

Q. And when were you appointed a Sergeant?

A. September the 1st, 1939.

THE COMMISSIONER: Would you raise your voice a little, please?

THE WITNESS: September the 1st, 1939.

MR. WILSON: And when were you appointed an Inspector?

A. August the 1st, 1949.

Q. And I understand at that time you were - you became District Inspector at Sudbury?

A. Yes, sir.

Q. And how long did you occupy that position?

A. Until April the 1st, 1951, at Sudbury. I was then transferred to Peterborough.

Q. That is, you became the District Inspector at Peterborough on April the 1st, 1951, and you have remained in that position since that time?

A. Yes, sir.

Q. Now, did you have any dealings with Sergeant Anderson after his appointment as head of the Anti-Gambling Squad in the fall of 1955, up until August of 1958?

A. Yes, I did.

Q. Well, what were the dealings you had with him during that period?

THE COMMISSIONER: Just a moment. Yes, go ahead.

THE WITNESS: I delivered a brief to Sergeant Anderson.

Q. Well, now, just before we come to the delivery of the brief, before delivering the brief, and from the time Sergeant Anderson became head of the Anti-Gambling Branch in the fall of 1955 - - in that period, in the fall of 1955 to August of 1958, had you had any contacts with Sergeant Anderson, or any dealings with - -

A. No, none that I recall.

Q. Then coming to the summer of 1958, did you have some meeting with him?

A. Just one, that I recall.

Q. Well, now, who set up this meeting?

A. I did, it was me who called.

Q. And you called from Peterborough, was it, or - -

A. I called from Peterborough in the first call, and the final arrangement was by a telephone call from me while in Toronto.

Q. Well, what was the purpose of your call?

A. It was of a two-fold character.

I wanted to discuss with him two places that were in operation in Peterborough, and to deliver to him a brief, which has been the subject at hand here.

Q. Well now, did you finally arrange to meet him in Toronto?

A. Yes, I did.

Q. And when you first called him, did you tell him what the purpose of the meeting was to be?

A. As I recall, I did, yes.

THE COMMISSIONER: What did you tell him?

THE WITNESS: I told him that I had - - there was a discussion with him, a brief which was being forwarded to me from Mr. Humphrey's in Toronto.

THE COMMISSIONER: So that we will not have any misunderstanding I think Mr. Wilson said, when you first telephoned him you set up - -

MR. WILSON: An appointment.

THE WITNESS: That is right.

THE COMMISSIONER: Did you tell him then what the purpose was?

THE WITNESS: I don't recall whether I did or not. I think I did, yes.

THE COMMISSIONER: Now just search your memory and be as accurate as you can. You called him first from Peterborough to set up the

appointment?

THE WITNESS: All the call - - -

THE COMMISSIONER: Excuse me - and you said that the final arrangement was by a call to him while you were in Toronto. Now, will you leave those calls separate. When you called him from Peterborough, what did you say to him?

THE WITNESS: As I recall, I told him that there were two gambling operations in Peterborough, which I wanted to discuss with him.

THE COMMISSIONER: Just a moment. Yes, go on.

THE WITNESS: I cannot be certain whether I discussed the brief at that particular phone call, but I am reasonably certain that I did.

THE COMMISSIONER: That is your oath?

THE WITNESS: Yes.

MR. WILSON: Now, did you meet him in Toronto the same day that you phoned to arrange the appointment?

THE COMMISSIONER: Now you called from Peterborough first, and he said the final arrangement was due to the result of a call while he was in Toronto, that is your evidence, is it?

THE WITNESS: Yes, my lord.

MR. WILSON: Q. Well, where did the meeting take place, at what restaurant?

A. I don't recall, but it was at a restaurant - it was in the Scarborough area.

Q. Was it the Forum Restaurant?

A. It could have been.

Q. And was this restaurant near the junction of Kingston Road and Danforth Avenue?

A. Yes, it was.

Q. Did you have one or more meetings with Sergeant Anderson at this restaurant - whatever its name might be?

A. I only recall one.

Q. You only recall one meeting?

A. Yes, we sat in the car at the time that I presented the brief to him. We sat in either his car or my car, and that is where the conversation took place.

Q. Was that near this restaurant?

A. Yes, it was out in front of it.

Q. Now, just tell us what conversation took place at this meeting you had with Sergeant Anderson?

A. I gave him the brief.

Q. Did you give him the brief first, or this other document - -

THE COMMISSIONER: He has not said anything about another document.

THE WITNESS: No, I am sorry - - -

MR.WILSON: The document as such.

THE COMMISSIONER: No, he has not said anything about a document. He said he wanted to discuss - -

THE WITNESS: I had no knowledge of any other document.

THE COMMISSIONER: Just a moment now. Now at the meeting, just go back to the date of this meeting - now, is that the meeting in the restaurant - you said there was only one meeting?

THE WITNESS: Well, if there were two meetings, I had certainly forgotten of them, but I only recall calling Sergeant Anderson from Toronto.

THE COMMISSIONER: Excuse me. Is that microphone working?

MR. BROWIN: I don't think so, my lord, I am having trouble hearing this witness.

THE COMMISSIONER: I am having trouble hearing you too.

MR. WILSON: I think the microphone is working.

THE COMMISSIONER: Raise your voice a little. In any event, witness, you say you only recall one meeting?

THE WITNESS: Yes, I only recall one meeting with Sergeant Anderson.

THE COMMISSIONER: And where was it?

THE WITNESS: In the area suggested by Mr. Wilson, in the Scarborough area.

THE COMMISSIONER: was it outdoors, or indoors?

A. Yes, outdoors, in the car.

THE COMMISSIONER: And what did you discuss with him?

A. I had this brief with me, and I told him what I knew about it, and gave it to him.

THE COMMISSIONER: Just a moment, please.

MR. WILSON: Q. what did you tell him about it?

THE WITNESS: I told him I had received a phone call, and I feel certain I told him the name of the man I received the call from.

Q. Who was the man you received the call from?

A. David Humphrey.

Q. Yes?

A I told him everything that was stated to me.

Q. What was stated to you - - you are talking now of what was stated to you by Humphrey?

A. Yes.

Q. What was stated to you by Humphrey?

A. I didn't make any notes at the time, and I am not certain of all the details, but I will describe it to the best of my recollection. He said that the club in Niagara Falls was operating a gaming house, which was found objectionable to judicial officials and others, in Niagara Falls, and that this brief would contain - - -

THE COMMISSIONER: What brief? We haven't heard of any brief yet. He is now talking to you on the telephone?

THE WITNESS: Yes.

THE COMMISSIONER: All right. You have not mentioned a brief yet. He said there was a club in Niagara Falls operating a gaming house, which was distasteful or something - - -

MR. MacKINNON: Objectionable.

THE COMMISSIONER: Objectionable.

THE WITNESS: Well, the very beginning - at the beginning he asked me if a brief were forwarded to me, if I would deliver it to the Anti-Gambling Squad. I - - -

MR. WILSON: What else did he tell you about this brief?

A. He told me that the judicial officials, and others, of Niagara Falls, were disturbed by the presence of this club, and its operation and the type of members. He asked me if I would deliver this brief to Sergeant

Anderson of the Anti-Gambling Squad and I told him that I would.

Q. Did he say who these others were, who were concerned about this club?

A. No, he didn't.

Q. Did you ask him?

A. From my recollection, Magistrate Roberts name was never mentioned to me, nor did I mention it to Sergeant Anderson.

Q. Did he tell you why he could not personally deliver this brief to the Anti-Gambling Squad himself?

A. Yes, I asked him that quite point-blank why he could not do so himself, and he said he could not, and didn't want to be associated with its presence or with its delivery.

THE COMMISSIONER: Just a moment. Just amplify that, will you, Mr. Stringer, please. You asked him point blank why he did not deliver it to Anderson?

A. Yes.

Q. And his reply was what?

THE WITNESS: That he did not want to be associated with the delivery of the brief or for them to know that he was associated with them.

THE COMMISSIONER: And by "them" who do you mean, "He did not want them to know"?

THE WITNESS: The Anti-Gambling Squad.

MR. WILSON: And what - - -

THE COMMISSIONER: Just a moment. Go ahead.

MR. WILSON: Q. And what did he suggest to you, you should do in presenting the brief as to disclosure of its origin?

A. He asked that I not reveal his name to Sergeant Anderson, but I am quite certain that I did tell Sergeant Anderson of its origin.

Q. Now, did you make any entry in your police diary of this call you had from David Humphrey?

A. No, I didn't.

Q. At the time he called you about this brief, did you have any knowledge of his association with Joseph McDermott, and Vincent Feeley?

A. No, not at that time, but I do have since, knowledge of it.

Q. How long after that, did you learn of his association with those two names?

A. About a week later.

Q. About a week later?

A Yes.

Q. And in what way did you obtain that information a week later?

A. Following my interview with Anderson I felt I had made a mistake in becoming associated with it at all, mostly because of

Anderson's reaction, but I realized that Anderson was aware of a lot of things that I was not, and I went to the Commissioner, and told him the whole story from start to finish.

Q. That is Commissioner McNeill?

A. Yes, and he told me that David Humphrey was associated with McDermott and Feeley.

Q. Now, how long after - you say a week after you gave the brief to Anderson you went to the Commissioner?

A. Well, it was sent after, I think, a week or so.

Q. That would be August of 1958?

A. Yes.

Q. And as of - - if my recollection is correct, as of August the 1st, 1958, McNeill ceased to be the Commissioner, and Commissioner Clark took over?

C/3

A. I was not aware that that was so, I may have - - the Commissioner did live at Peterborough, and it was there that I saw him.

MR. BREWIN: The witness is not still entirely audible.

MR. MacKINNON: Which Commissioner is he talking about?

MR. WILSON: Who was the man you spoke to, that you call the Commissioner?

THE WITNESS: McNeill.

Q. McNeill?

A. Yes.

Q. And if he retired as Commissioner as of August the 1st, 1958, you did not see him until after that time?

A. That would be correct. I do not recall that he had retired, but it was McNeill that I saw, and I saw him at his cottage at Chemong Lake.

Q. And what advice did Mr. McNeill give to you at that time?

A. He told me that I was wrong in having gone to Sergeant Anderson, and the whole file and any information that I had should have been taken to the Commissioner's office.

Q. And did he tell you who the Commissioner was?

A. I knew who the Commissioner was, if a change had been made at that time.

Q. That would be Commissioner Clark?

A. Yes, sir.

Q. Now at that time, or at any time after August the 7th, or whatever date you got this brief, did you report the matter to Commissioner Clark?

A. No, I didn't.

Q. Why not?

A. There must be some confusion

about those dates because it certainly is my impression that McNeill was still Commissioner at the time.

MR. MacKINNON: If you look at Exhibit No. 60 - - -

MR. WILSON: Yes, Exhibit 60.

MR. MacKINNON: In fact it says that Commissioner Clark had been on sick leave - - -

MR. WILSON: Mr. Registrar, may we have that Exhibit, please, and show it to the witness and refresh his memory about the dates.

THE WITNESS: Thank you.

THE COMMISSIONER: Now, having looked at that, what is your evidence?

THE WITNESS: It was still McNeill that I talked with very definitely.

MR. WILSON: And he told you that the documents should have been taken to the Commissioner, isn't that what you said?

A. Yes.

Q. Now, as a result of that talk - -

THE COMMISSIONER: Now then, establish it, if it is a fact, that the Commissioner then was Clark.

MR.WILSON: Yes, well, the Exhibit - -

THE COMMISSIONER: Make it abundantly clear to this witness.

MR. WILSON: You will realize now, do you not, that at the time you had ~~at~~ this

meeting with Mr. McNeill, he had been superannuated?

A. Yes.

Q. So that the Commissioner, if he talked about a Commissioner, would be Commissioner Clark?

A. Yes.

Q. And you did not make any report after that meeting with Mr. McNeill to Commissioner Clark, about this instance?

A. No, I did not feel that it was of importance , as it now appears to be. I no doubt should have talked with the Commissioner. It is my recollection that I did.

THE COMMISSIONER: That you had what?

THE WITNESS: That McNeill was Commissioner at the time I talked with him.

THE COMMISSIONER: Well, Mr. Stringer, you would know when the Commissioner changed?

THE WITNESS: I must be wrong about that.

THE COMMISSIONER: What?

THE WITNESS: I must be wrong about that.

THE COMMISSIONER: About what?

THE WITNESS: The dates, but it was McNeill that I talked to.

THE COMMISSIONER: At that time you would know that McNeill was no longer Commissioner?

A. Yes.

THE COMMISSIONER: Then why would you go to McNeill and not to the Commissioner - that is what Mr. Wilson wants to know.

THE WITNESS: I don't know why I did, but it was McNeill I went to.

THE COMMISSIONER: And McNeill is now dead?

THE WITNESS: Yes.

MR. WILSON: Now, how did you come to know David Humphrey?

A. I didn't.

Q. You did not know him when he called you?

A. I knew who he was, that is all. I did not know David Humphrey.

Q. Well, did he mention any other name, any other person that was known to you at the time he made this request?

A. No, he asked me if I knew who he was, and he gave the name of David Humphrey, and I said, "Yes, I know who you are", I know - -

Q. Why would you do this rather unusual act for somebody you didn't even know?

A. I didn't feel that it was an unusual act, I may be wrong about that, but I have throughout my entire police career undertaken to deliver information to other police departments, and I felt this was no different than any items of information that I had received - bank robbers or

narcotics or any other criminal matters that we have to deal with.

Q. When you say you knew of David Humphrey, when he called you, did you know that he was a criminal lawyer?

A Yes, my only knowledge was his association with the highways investigation, that is about all I knew about him, and that he was employed by the Government in that capacity.

Q. How long before you phoned Anderson did this brief reach you?

THE COMMISSIONER: How long before he what?

MR. WILSON: Called Anderson to arrange the appointment?

THE WITNESS: I don't recall that I called Anderson until after I had the brief.

Q. Well, how long before you called him had you had that brief in your possession?

A. A matter of one or two days only.

Q. And how did it come into your possession?

A. Through the mail.

Q. Addressed to you at what location?

A. At Peterborough.

Q. Well, you have a residence, and an office, which of the two was it addressed to?

A. It came to the office.

Q. And who opened it?

A. I don't recall, it was placed on my desk, different people open the mail, I didn't open it, I know that.

Q. Who was your secretary at that time?

A. Well, there are four in all.

Q. Were there four at that time?

A Yes, I believe so.

Q. Could you give us the names of these four?

A. I would have to check that. They have - -

Q. Did all four of them concern themselves with looking after the mail addressed to you?

A At one time or another mail is opened by all of them, addressed to me.

Q. And was there not one of these four whose main duty was to look after, your mail and act as secretary?

A. No, the senior stenographer usually does.

Q Who was the senior stenographer at that time?

A. Mrs. Hazel Campbell.

Q And do you remember the names of any of the others?

A. Yes, Mrs. Goodfellow, and Mrs. - - -

THE COMMISSIONER: Who?

THE WITNESS: Mrs. Goodfellow.

THE COMMISSIONER: Yes?

THE WITNESS: And Mrs. Descrneau.

THE COMMISSIONER: Please speak up, I cannot hear you. Would you spell that name out, please?

THE WITNESS: Yes, D-e-s-c-r-n-e-a-u.

THE COMMISSIONER: Yes?

MR. WILSON: The fourth one you cannot remember the name?

THE WITNESS: I would not be certain about whether it would be Mrs. Darling - -

MR. WILSON: It would not be Ashby, would it?

THE WITNESS: Yes, it could have been Mrs. Ashby.

Q. Was it just left there on your desk after it arrived, until you had your meeting with Anderson?

A. No, it was placed there with other mail, and I took it home with me.

Q. Did you ~~[illegible]~~ read it before you saw Anderson?

A. I have to confess that I didn't read it very thoroughly.

Q. Did you read enough of it

to know what it was all about?

A Yes, I did.

Q. And when Humphrey called you, did he say that he was calling you on behalf of some friend?

A. No, he didn't.

Q. Did he mention any names at all to you when he made that call, and made that request?

A. Did he mention any names of - -

THE COMMISSIONER: Any names at all?

THE WITNESS: Yes, he mentioned names, but not names of anyone associated with the brief, if that is what you mean.

MR. WILSON: Well, what names did he mention?

A He mentioned Shrubb's name for one, and then Corporal Shrubb of the Anti-Gambling Squad.

Q. Yes, what did he have to say about Shrubb?

THE COMMISSIONER: Let us get the names. Let us get the names first.

MR. WILSON: Yes.

THE COMMISSIONER: You mentioned Shrubb, anybody else?

THE WITNESS: He asked that the brief be delivered.

THE COMMISSIONER: No, no, you said he

mentioned names, now, you have told us one, who else?

THE WITNESS: He mentioned Sergeant Anderson.

THE COMMISSIONER: Yes.

THE WITNESS: I do not immediately recall any other names.

MR.WILSON: Q. Well then, what did he tell you about Corporal Shrubb, as he was at that time?

A. He asked that the raid be conducted before Corporal Shrubb's return from holidays.

Q. Well, was he asking -- first of all, was that all he had to say about Shrubb?

A. No, it was not all he had to say. He qualified his statement when I asked him why - why it was necessary, or why it was important that the raid be conducted in the absence of Shrubb. I asked him point-blank why he felt that way about it and he told me.

Q. And what did he tell you?

A. He told me that he had personal knowledge of an association ~~y~~ between Shrubb's wife and Feeley, that they were - - -

THE COMMISSIONER: Now just a moment. Do you want to pursue that, Mr. Wilson?

MR. WILSON: I have no reason to pursue it.

THE COMMISSIONER: I would not think so.

MR. WILSON: I didn't know that the witness was going to make that statement.

THE COMMISSIONER: Yes.

THE WITNESS: Shall I go ahead?

THE COMMISSIONER: No, I don't want you to go ahead telling about a matter that apparently - -

MR. WILSON: Was there any other reason he gave, other than the one you have just mentioned?

A. No, there was no other reason, but he gave that in detail.

Q. Now, what did he have to say about Sergeant Anderson?

A He asked that the brief be delivered to Sergeant Anderson, and he had nothing uncomplementary to say about Sergeant Anderson in any wy way.

THE COMMISSIONER: Now, all this was on the telephone?

THE WITNESS: Yes, it was.

THE COMMISSIONER: Yes.

MR. WILSON: And was this - -

THE COMMISSIONER: Just excuse me, I want to get this clear. He said he was going to give you a brief?

THE WITNESS: Yes

THE COMMISSIONER: Of course you did

not know what the brief would contain?

THE WITNESS: Yes, I did. I did not know in detail what it would contain, but I knew it had to do with the Ramsay Club in Niagara Falls.

THE COMMISSIONER: Well yes, but you did not know what it would contain - what it would relate to the Ramsay Club. He told you it was a club that was operating illegally?

THE WITNESS: Yes, and I did not know what it would contain in detail.

THE COMMISSIONER: You did not know what it would contain, in other words, it was simply information about the club?

THE WITNESS: That is right.

THE COMMISSIONER: Nothing else?

A. Nothing else.

THE COMMISSIONER: Why are you talking about a raid?

A. Well, I probably was ahead of myself, because he certainly asked that a raid be conducted.

THE COMMISSIONER: Now, this is the first we have heard of that. On the telephone he said he was going to send you a brief, and asked you to give it to Anderson, did he say Anderson in particular?

THE WITNESS: Yes, he did.

THE COMMISSIONER: And you asked him,

perfectly naturally, you asked him why he did not do it himself?

A. Yes, sir.

THE COMMISSIONER: And he said he did not want to be associated with it, he did not want Anderson to know he had anything to do with this brief?

A. That is right, sir.

THE COMMISSIONER: And when did he mention raid?

THE WITNESS: Well, that was the entire purpose of the brief being forwarded.

THE COMMISSIONER: Did he say that?

THE WITNESS: Yes, that a raid would be (inaudible) and he said it should be done before Shrubb's return from holidays.

THE COMMISSIONER: Yes?

THE WITNESS: I questioned that, and he gave me his reasons.

THE COMMISSIONER: Yes; is that the end of it?

THE WITNESS: Yes.

THE COMMISSIONER: That is the end of the telephone conversation?

THE WITNESS: Yes, that is the end of the telephone conversation.

THE COMMISSIONER: You did not speak to him again. The next thing that happened, you got the brief in the mail?

[illegible] personally, you should him may be one not do it however?

[illegible] Yes, sir.

THE MAGISTRATE: And he could be and not wish to be associated with it, he did not want Hawkins to know he had anything to do with that letter?

A. Just in right, sir.

THE [illegible]: Did anyone ever [illegible] [illegible] Indian Party?

THE WITNESS: Well, that was the [illegible] [illegible] [illegible] [illegible].

THE COMMISSIONER: And he may have?

THE WITNESS: Yes, [illegible] [illegible] be (inaudible) and he said it should be done [illegible] [illegible] [illegible].

THE COMMISSIONER: What

THE WITNESS: I [illegible] that, and he gave me six thousand.

THE COMMISSIONER: Just so that [illegible] end of [illegible].

THE [illegible]: Bye.

THE COMMISSIONER: Just a [illegible] [illegible] of the Indian Communist?

THE WITNESS: Yes, just a [illegible] [illegible] of the Indian Communist.

THE COMMISSIONER: You did not [illegible] [illegible] [illegible]. [illegible] [illegible] [illegible] [illegible].

You [illegible] [illegible] [illegible] [illegible]

THE WITNESS: That is right.

MR. WILSON: Did he ask you to use your influence to see that a raid took place?

THE WITNESS: No, he didn't. He asked me to present it to Anderson and let them decide what they wanted to do, and that is all that I did. I did not in any measure try to have Anderson make a raid. I told him at the time that this was the brief, and I did not particularly care what he did with it.

(Page 2515 follows)

WITNESS: (cont'g) I had every confidence in Sgt. Anderson, his integrity, and I felt that it was being placed in his hands and would be properly dealt with. I didn't have any interest in it beyond that.

MR WILSON: Q. Where did you receive this telephone call from Humphrey; at your office or at your home?

A. At my home.

Q. In the evening?

A. Yes.

Q. Do you recall what day of the week it was?

A. No, I do not.

Q. Do you recall where the telephone call came from, where Humphrey was calling you from?

A. Not beyond that it was from Toronto.

Q. Had any person told you before you received that call from Humphrey that you could expect a call?

A. No. I had had a conversation with two men who discussed in detail such the same complaint and whom I now realize to be associated with the same movement.

Q. When and where did that meeting occur?

A. Well, it was just two men who

stopped on the river in front of my cottage, sir.

Q. Where was your cottage located?

A. At Algonquin Park.

Q. And what was the time of such occurrence?

A. Well, it was on a Sunday but I don't know the date.

Q. Do you know the month and the year?

A. Well, I think it was in August, July or August.

Q. Of 1958?

A. Of 1958.

Q. In point of time how long before your meeting with Anderson did the meeting occur at your cottage in Algonquin Park with these two men?

A. Just a matter of days.

Q. Was there any other person present apart from these two men and yourself at that meeting?

A. I don't think you could describe it as a meeting. They just stopped at the wharf. They didn't get out of their boat. They just stopped the motor, and they seemed to know who I was.

Q. Well, did you know who they were?

A. No, I did not, and I don't know

yet.

Q. Had you ever seen them before?

A. No.

Q. Have you seen them since?

A. No, I have not.

Q. Just describe the two men that visited you this day?

A. Well, they were young men, 30-32. They said they were from Niagara Falls.

Q. Is that the best description you can give us of the two men?

A. They wore bush clothes of the type -- fishing attire, I guess you would describe it. One man was taller than the other. I didn't pay too much attention to them. They only stopped for a matter of fifteen minutes, sir.

Q. Did they tell you who they were?

A. I think they did but I don't recall what they said. I expect they told me their names.

Q. Did they not tell you where they were from?

A. Yes; they said they were from Niagara Falls.

Q. What did they say they did at Niagara Falls?

A. They said they were lawyers.

Q. Did they give you their names?

A. I think they did but I don't recall it and I don't think they were lawyers.

THE COMMISSIONER: Q. Why do you think that they were not lawyers?

A. They didn't seem to be the type of man that I have known as lawyers. I could be wrong about that.

MR WILSON: Q. What was the conversation you had with those two men?

A. Well, they talked in general about law enforcement and brought up the situation at the Ramsay Club in Niagara Falls. They described it as a thorn in their flesh and a place that something should be done about, but they didn't ask me to do anything.

Q. You mean these were two public-spirited citizens, were they?

A. They spoke as though they were.

THE COMMISSIONER: Q. They identified the club, did they?

A. Yes, they called it the Ramsay Club in Niagara Falls.

MR WILSON: Q. Did they tell you who operated it?

A. No, I don't recall that they did. I wouldn't remember the names.

Q. Did they say anything else about

the club?

A. No.

Q. Did they suggest that you do something about it?

A. No, they didn't but when they left they said they would probably be in touch with me again. And I did associate that call with the call that I later received from Humphrey.

Q. Did you ever hear from those two men again after they visited your cottage?

A. No.

Q. Or either of them?

A. Not unless one was Humphrey. I don't know. I don't think so.

THE COMMISSIONER: Q. You don't know Humphrey to see him?

A. I don't know Humphrey to see him.

MR WILSON: Q. When they came to your wharf were they in a boat with an outboard motor?

A. Yes, they were.

Q. Did you ask them where they were staying?

A. No. They seemed to be camping because they had that kind of equipment.

Q. What particular lake is your cottage situated on?

A. It is on the Madawaski River

between Rock Lake and Whitefish Lake.

THE COMMISSIONER: Q. Between where?

A. Rock Lake and Whitefish Lake. I no longer own that cottage. It was sold, sir.

MR WILSON: Q. Did they tell you how they came to know you and know where your cottage was located?

A. No, but they called me by name without an introduction. I wondered how they would know me but most of the places are marked with names in front of the cottages.

Q. Had you ever heard of the Ramsay Club before those two men visited you at your cottage?

A. No, I had not.

Q. Well, did you know anything about it by the time you talked to Humphrey on the telephone?

A. I knew very little about it.

Q. Well, how had you acquired any information about it in the interval?

A. I hadn't.

Q. I just want to be sure of the chronology of events. You first saw these two men at your cottage and then a few days later you got a call from Humphrey; is that right?

A. That's right.

Q. And then how long after the call from Humphrey did you get the brief?

A. Almost immediately after, sir.

Q. Does "immediately" mean a day?

A. Two or three days at the most.

Q. How long after the brief arrived did you see Anderson?

A. The same; two or three days at the most.

Q. Now, why when you saw Anderson did you disclose Humphrey's name?

A. Yes, I feel that I did, sir.

Q. No. You have told us you did. I say, why did you do that when you told us you were given the brief in confidence?

A. When I talked with Anderson first I had not intended giving him the name and when I got his reaction to the thing I felt I should, and I feel certain that I did give him the name of David Humphrey.

THE COMMISSIONER: Q. When you got his reaction; what do you mean by that?

A. Well, I thought that he would be very pleased to get information on a club that was considered to be illegally operating, but I realized when I talked to him that there were a lot of things I didn't know, that I

was not aware of, and I got that from his reluctance to say in detail what he intended doing with the brief or ...

Q. Well, go ahead. I want to know what this reaction was that you are talking about. You spoke of his reaction. What was it?

A. Well, his reaction was definitely one of displeasure, I suppose you would say. He did not say "Well, we will raid the club" and that was my first intimation that there was something wrong about the thing, that there were possibly opposing factors in the matter.

Q. What do you mean by that?

A. I mean simply that the people who had supplied me with the information wanted the club knocked off, not for reasons of good law enforcement but for their own personal gain.

Q. When did you reach that conclusion?

A. When I talked with Anderson, sir.

Q. Yes. Did you tell him that?

A. He told me that.

Q. No. Did you tell him that?

A. Did I tell him that?

Q. Did you tell him that you were

suspicious that that might have been the motive?

A. Yes, I think I did. I know that as a result of the discussion with him that I went away with that thought in mind, that there was more to it than I had at first realized.

Q. Now then, come back to Mr Wilson's question; he wants to know why you told Anderson, in view of the fact that the brief was handed you in confidence, why you told him that Humphrey had given it to you?

A. I felt at that time that he was entitled to know, since there seemed to be more complications than I had at first realized. I was prepared to give Sgt. Anderson any information I had on the subject, sir.

Q. I thought you just said that when you met him first you didn't intend to give him the name of the man who had handed it to you?

A. That's right; I was not.

Q. So at that stage you were not intending that?

A. That's right.

Q. That is what I say; at first you did not intend to give him the information you had?

A. I did not intend to give him the name of Humphrey when I first talked to him.

Q. Now Mr Wilson wants to know what happened that prompted you to give him Mr Humphrey's name?

A. Well, I have tried to explain. It was Sgt. Anderson's reaction. He didn't respond in a manner that would suggest he was happy to get this information or that he would immediately do something about it. It wasn't hard to know that that was how he felt about it.

Q. Because he was displeased you decided that you would break the confidence that Humphrey had reposed in you?

A. Yes, I did. I felt that at that time I owed an explanation to Sgt. Anderson.

MR WILSON: Q. Did you tell Anderson that Humphrey had told you over the phone that he had been approached by certain persons of the judiciary at Niagara Falls to have something done about the Ramsay Club?

A. Yes, I did but not naming them. I am certain of that, that there were no names mentioned. But I did say the judiciary in Niagara Falls.

Q. And you say that no names were

mentioned by Humphrey to you as to who the judiciary were?

A. No; and no names were mentioned by me to Anderson.

Q. Did you also tell Anderson about these two men who said they were lawyers from Niagara Falls who visited you at your cottage?

A. Well, I wouldn't be certain but I feel quite sure I did. I had intended to anyway. I think I did.

Q. Are you sure about that now? Didn't you in fact tell him about these two young lawyers?

A. Yes, I feel that I did.

Q. And didn't he suggest a meeting with one or both of those lawyers?

A. No. He said if they would co-operate or were willing to co-operate and help him get a man in the club -- I believe that is what he said.

Q. I want you to think carefully. Did you have one or two meetings with Sgt. Anderson?

A. My memory don't serve me that well. I probably had two meetings with him but I certainly don't recall that I had.

THE COMMISSIONER: Q. Why do you say you probably had if you don't recall it?

A. Because, sir, I am being told

or it is being indicated to me that I did have.

Q. Who indicated that to you?

A. Mr Wilson.

Q. No, he didn't.

A. I'm sorry, sir.

Q. He just asked you if you were sure you only had one meeting?

A. I am not sure.

Q. Now, what are you sure about? Was there one or were there two or three or four?

A. I don't think there was more than one meeting. If Sgt. Anderson says there were two meetings or more than that I would say he would be most honest about it and would be right. He made notes of it at the time. I would be inclined to feel that he would be right but I certainly don't recall any second meeting.

MR WILSON: Q. Did you have any further discussion with Anderson that you haven't told us about?

A. No.

Q. Did Humphrey, when he called you, give you any further information about how to go about a raid of this Ramsay Club other than what appeared in the brief?

A. I don't recallthat he did, no, sir.

or is in Senior Institute in on Block 2 and Block.

Q. Are institutes open to open

A. Yes.

Q. Mrs. Do Bldg's?

A. I'm sorry, sir.

Q. Do just actual you is you know

from you only and was successful

A. I am not sure.

Q. Now, would you give some idea of

how there one or more lesson two or three or four?

A. I don't recall exactly how long

that was happening. It kept, sometimes maybe

more than another, but more than that

I would say he would be here Second Period about 2:

and would be right. He made notes at 2:45 at

the time. I would be inclined to think that he

would be right but I certainly don't remember

any specific meeting.

Q. Mr. Robinson, I have the best and

cooperation with Ambulance Corps you learned's kind

on Friday?

A. Yes.

Q. Did Congressman, when he called you,

give you any indication Ambulance Corps was to

be about a kind of this Kennedy Club meeting

that was supposed to be held?

A. I don't remember to say, Mr.

Kelly.

did you give him any further suggestions about how to go about the raiding of this club other than what appeared in the brief?

A. I read Constable Anderson's evidence on that and I do not recall. That part about a manhole cover, I do not remember anything of that sort.

Q. When you say you read his evidence, you read it in the press, did you?

A. In the press.

Q. The evidence he gave here?

A. Yes.

Q. Do you deny that you told Anderson about what methods might be used to catch the dice in the down-pipe?

A. No, I do not deny that because, as I have stated before, Anderson made notes and if he says I said that, then I feel that he would most likely be ~~mat~~ right but I do not recall ever discussing or even knowing about it.

THE COMMISSIONER: Q. Well, if you did tell him that, youmust have got that information from Humphrey?

A. If I did tell him that, or any other information that I gave to Anderson, I did get from Humphrey, but I certainly do not recall that. I don't recall even knowing about it.

MR WILSON: Q. Now, what did Sgt.

Anderson say he would do about this brief you gave him?

A. Well, he didn't say he would do anything, and I didn't ask him what he was going to do.

Q. Did you have a W.H. Gould, a corporal, in your district in July of 1958?

A. Yes. He is still there.

Q. I show you a document that has been filed here as Exhibit 101. It is dated the 4th of July, 1958. It is an unsigned memorandum from Cpl. Gould.

A. Yes.

Q. Did you hand that document to Sgt. Anderson at this meeting you had with him in August of 1958?

A. Yes, I think I did.

Q. What were the circumstnces or what gave rise to the handing over of this document?

A. Well, the Corporal just put it on my desk as a matter of information and I think I did give it to Anderson.

Q. What did you ask Anderson to do about it?

A. Oh, I didn't ask him to do anything; I merely acquainted him with the facts.

Q. What was the purpose of showing

it to Anderson then, leaving it with him? What was the reason for leaving this document with him?

A. Well, it revealed certain information, I thought.

Q. What would his interest be in this information?

A. I would have to read it again before I could answer.

Q. Very well. (Document produced to witness)

A. This would be the work of the anti-gambling squad and we would turn such information over to him as a rule.

Q. What would be the usual procedure, police procedure, for turning such information over to the anti-gambling squad?

A. I don't think there would be any definite regulations on it.

Q. Well, you don't have an Inspector from Peterborough setting up an appointment at a restaurant in the City of Toronto with the head of the anti-gambling squad to convey such information, do you?

A. Oh no. I just — it was delivered because I was seeking an appointment with him on the other matter at the time.

Q. You mean this was just an

excuse to discuss the other matter?

A. No, it wasn't just an excuse; it was delivered because I had the appointment at that time and it had been on my desk for quite some time.

Q. Was any action taken on that particular memorandum as a result of your meeting with Sgt. Anderson?

A. I haven't any idea whether there was or not.

Q. You never followed it up then?

A. No, I did not.

Q. Did Humphrey tell you who drew up this brief?

A. No, he did not.

Q. Did you ask him?

A. No, I don't recall that I did, sir.

Q. Are you sure you didn't ask him?

A. Yes, I am quite sure I didn't ask him.

Q. Did you ever learn after that date who did in fact draw up the brief?

A. Well, I certainly had the impression that it was Humphrey himself who drew it up but I don't know how I cameby that impression, whether he told me or ...

Q. Did you learn about the raid

taking place on August 18th, 1958, on the Ramsay Club?

A. I read in the paper, yes, about it.

Q. Did you hear anything further from Humphrey?

A. No, nor from Anderson, nor from anyone else.

Q. On February 12th, 1959, did you instruct one of your officers -- I think it was Cpl. Rawlins -- to go to Anderson and get that brief back?

A. Not exactly in those words. This is what I did: Cpl. Rawlins was coming in to Toronto for a new car. I asked him to drop in and see Sgt. Anderson and if the brief had served its purpose, that I would like to have it back or if they had any further use for it I would like a copy of that part pertaining to raids and what to look for.

Q. You knew in August of 1958 that the brief had served its purpose, didn't you?

A. I thought it had but apparently it hadn't.

Q. Well, what information did you have that suggested that it hadn't served its purpose?

A. Well, the brief was not

returned.

Q. No, but I mean between August of 1958 and February of 1959 when you tried to get it back what reason did you have to think that it hadn't served its purpose?

A. I didn't have any reason to think it hadn't served its purpose.

Q. Why did you want it back?

A. It did in my opinion contain valuable information for instruction of young constables and matters having to do with raids which I, as an Inspector, had very little knowledge of, and I wanted it for material that would be of value for young officers, and only that portion pertaining to what to look for.

Q. That was your reason for trying to get it back?

A. Yes. No other.

Q. I take it then that you had read it very carefully when Humphrey sent it to you?

A. No, I had not read it very carefully but I read enough of it to know its general contents and its value in that respect.

Q. Did you tell Anderson that Magistrate Roberts had a hand in drafting this brief?

A. I never mentioned Magistrate

Roberts' name to Anderson or to anyone else, sir.

Q. Did you know of Magistrate Roberts at the time that you delivered that brief to Anderson?

A. I never heard his name mentioned in connection with that brief or anything concerning the Club or anything.

Q. Can you suggest any reason for Sgt. Anderson making such a statement in his report, made a few days after you delivered the brief to him?

A. No, I can't. He must have felt that I had mentioned it but I am certain I did not.

Q. Now, the day that you delivered this brief to Anderson had you been in the city during the day; that is in the City of Toronto?

A. I think I came in about three o'clock in the afternoon, yes.

Q. What time was your meeting with Anderson?

A. Probably seven.

Q. What was the purpose of your visit that day to Toronto?

A. I don't recall.

Q. Were you in Humphrey's office that day?

A. No, I was not.

Q. Have you ever been in Humphrey's office?

A. No.

THE COMMISSIONER: Q. Are you sure about that?

A. Yes, I am sure of that.

MR WILSON: Q. After the telephone call and before the delivery of this brief to Anderson did you see or talk to Humphrey again?

A. No, I never did.

Q. Or any representative of Humphrey?

A. No.

Q. As of this time, August 7th, 1958, or whatever the time was that you met with Anderson, you knew Shrubb, did you not?

A. Yes. I had known Shrubb before that.

Q. How long had you known Shrubb?

A. Oh, I can't be sure about that; probably three years.

Q. At this meeting you had with Anderson did you make some statement to him about Shrubb?

A. Yes, I did.

Q. What was the statement that you made to him about Shrubb? Let me put

it this way: You have covered part of this; did you tell him to be careful of Shrubb?

A. No, not in those words. I asked him if he didn't feel that Shrubb's ambition for advancement was a factor for him to consider.

Q. In what way?

A. I think it was pretty well established throughout our force that he was seeking promotion, early promotion.

Q. Well, didn't you tell Anderson that perhaps Cpl. Shrubb was trying to turn his men against him?

A. In effect that probably is what he could have taken from it.

Q. Now, what was the purpose of telling him that at that meeting?

A. It all comes back to that portion of my evidence which we are not going to discuss.

Q. This is the same Shrubb, I take it, that you had some discussions with in 1955 with a view to the possible transfer of Shrubb to your district?

A. Yes.

Q. Now, tell us how that came about.

A. Well, he ---

THE COMMISSIONER: Just a moment, Witness.

A. I'm sorry.

THE COMMISSIONER: Mr Wilson, I see it is just one o'clock.

MR WILSON: Yes. Very well, Mr. Commissioner.

THE COMMISSIONER: We will adjourn until 2.15.

---Whereupon the Hearing adjourned at 1.00 P.M. until 2.15 P.M.

--- Hearing reconvened, persuant to luncheon adjourment.

THE COMMISSIONER: Alright, Mr. Stringer.

MR. WILSON; Oh Mr. Commissioner, I should like to recall Magistrate Roberts, to clear up just one matter.

THE COMMISSIONER: Very well.

MAGISTRATE J. L. ROBERTS, recalled

EXAMINED BY MR. WILSON:

Q. Give this document to the witness

(a document handed to the witness)

THE WITNESS: Thank you.

Q. You have now obtained minutes of the meeting of the Police Commission of the Township of Bertie, held on November the 13, 1958.

A. Yes sir.

Q. And this has been taken down (indicating a document)

A. By the secretary.

Q. And transcribed?

A. And transcribed, yes sir.

Q. And I will read it Mr. Commissioner:

"A letter was received from the Commission -" I would think that should be "by the Commission?"

A. By the commission, yes.

Q.

"A letter was received by the Commission by A. Roberts, Secretary-Treasurer of this club, requesting to make representation to the Commission with regard to the police raids on the club. Mr. Ross and also the club solicitor, Mr. Humphrey, appeared before the Commission. Mr. Humphrey stated that the club was very much concerned about the manner and frequency with which the police raids had been carried out and that it was very embarrassing club's members. Mr. Humphrey stated that as apparently no evidence of gambling had been found by the police, he did not see the necessity of the frequency of the raids. His Honour Judge Griffith advised the Commission that he would be in Toronto on the 24th day of February, and if the Commission wished, he would make an appointment with the Deputy Attorney General to discuss the status of this club. The Commission requested that the judge make the appointment and discuss the status of the club with the Deputy Attorney General. Chief Johnson instructed not to raid the club again until further orders from the Commission."

That will be Exhibit No. 108.

EXHIBIT NO. 108: Minutes of Meeting of Police Commission of Township of Bertie, held on November 13th, 1958.

BY MR. WILSON: I think that we had better change that from "from" to "by", on the first line. It should be "by the Commission".

The club referred to, being the Frontier Veteran's Association.

A. That is correct sir.

Q. And you have already given us the report made by his Honour, Judge Griffith.

A. That is right sir.

Q. On his return from his interview with Mr. Common.

A. Yes sir.

Q. I also asked you to give us, or to ascertain the dates which the Commission, that is the Police Commission in the township of Bertie, on which it gave instructions for the preparation of a brief with respect to the Frontier Veteran's Association to be submitted at a later date to the Secretary of State.

A. That is the Ramsey Club, sir of Niagara Falls.

Q. I am sorry; I said Bertie; it is the Ramsey Club in Niagara Falls.

A. Yes.

Q. Will you give us the chronology of the events, in that connection?

[illegible]

[illegible]

[illegible]

A: These are the notes that I obtained from the Secretary of the Niagara Falls Board of Police Commissioners, a police report on the present activity of the club being submitted at the September meeting of the Police Commission, 1959.

The Police Commission received a report from the police re the history of this clubin October, 1959, and at this time the police were instructed to prepare a brief. This brief was presented to Judge Fuller and myself in February, 1960.

We revised the brief, forwarded it to the Minister of Justice and the Secretary of State on June the 27th, or 28th, 1960.

MR. WILSON: Mr. Commissioner, if you want that memorandun filed, I may do so; or is it clear?

THE COMMISSIONER: That is clear enough. You will send us a copy of that?

THE WITNESS: I shall send a copy back as soon as I return to Niagara Falls.

THE COMMISSIONER : That is all, thank you.

THE WITNESS: May I be excused, Sir?

THE COMMISSIONER: Yes.

THE WITNESS: Thank you.

(The witness retired)

page 2541 follows.

INSPECTOR J. A. STRINGER, recalled

EXAMINED BY MR. WILSON:

Q. At the adjournment, I was asking you about the circumstances of the proposed transfer of Corporal Shrubb, as he was then, to your district.

A. Yes sir.

Q. What were the facts in that connection?

A. I do not recall the dates, but Corporal Shrubb, and two -- two members of the anti-gambling squad ---

THE COMMISSIONER: Corporal Shrubb, and what?

THE WITNESS: Corporal Shrubb, and two members of the anti-gambling squad; I think Wright was one of them, were at the office.

THE COMMISSIONER: What office?

THE WITNESS: The office of the Ontario Provincial Police.

THE COMMISSIONER: At Peterborough?

THE WITNESS: At Peterborough, yes.

THE COMMISSIONER: Oh!

THE WITNESS: I had been out at some place; I think to dinner, or elsewhere, and returned, and they were in the Staff Sergeant's office.

We talked for a few minutes, and Corporal Shrubb said to me, and in the presence of the other men: "You don't need a good sergeant in

your district?"

I said: "Who are you thinking about?" and he said: "Well, myself, of course".

I said: "As a matter of fact, there may be a vacancy at Cobourg. I would have to check to see how the department feels about placing a sergeant there."

We went into my office; Corporal Shrubb and myself, and I asked him if he was serious about a transfer, and we discussed Cobourg, and the possibility that a sergeant would be made there. Until this time, and as a matter of fact since it has been headed by a corporal, although there are and were at that time enough men to warrant a sergeant.

That was all that was said at that time; and sometime later, perhaps two weeks, I saw Corporal Shrubb again at the St. Regis Hotel in Toronto. He asked me if I had heard anything more concerning the Cobourg. I told him that they were not going to make a sergeant at Cobourg, and the only possibility of a sergeant might be a traffic sergeant. He said he was not interested, and that is all that was said, concerning it.

Q. How was this meeting at the St. Regis Hotel set up? Did you call him, or did he call you?

A. I do not recall that. But I think he just --- I have no recollection whether he called me or I called him. I think he just came

in there, knowing that I was sitting there.

Q. Before your first meeting with Shrubb, did anybody, or had anybody, recommended Shrubb to you?

A. Yes. Inspector Scott had spoke well of his ability to handle men, and such like.

Q. What post did Inspector Scott have at that time? That is, Inspector Frank Scott.

A. Inspector Frank Scott; through the years he spoke well of Shrubb. Everytime I was talking with him

Q. Where was Scott stationed?

A. He was stationed in Windsor or Chatham, until he was made District Inspector. And during that period he worked with Shrubb. He did speak highly of his ability, and I am quite sure Shrubb was quite sincere in his talk with me, and I was sincere with Corporal Shrubb.

Q. Then later, Corporal Shrubb became Deputy Chief Constable at the City of Peterborough?

A. Yes; I believe Inspector first.

Q. Inspector first? What, if anything, did you have to do with that appointment?

A. Absolutely nothing. When the appointment was made, I was in Mexico.

Q. Well, before you left for Mexico, did you have any knowledge of his application.

A. No, I do not recall that I had. The first I recall his name, I saw it -- all the names -- in the Peterborough Examiner, while

visiting people at Cleveland.

Q. What was your home number in Peterborough?

A. RIverside 5-6310.

Q. And that was your telephone number in May land June of 1958.

A. That has been my telephone number for -- since I have been in Peterborough.

Q. Now, on May the 13th, 1958, were you in Peterborough?

A. I could not say. I expect I was, yes.

Q. On that date there was a telephone call from: CRescent 8-2538, which I am informed was a telephone number used by Vincent Feeley, to your number, of RIverside 5-6310. And the call - first of all, do you recall such a call?

A. No I do not.

Q. Does it help you to recall, the call, when I tell you the time occupied on the phone?

A. No. I do not see how it would.

/3/AS

Q. Who else was residing in your home at that time?

A. In 1958? My son, and son-in-law, and daughter.

Q. Did you know Vincent Feeley at that time?

A. I know him to see him.

Q. You knew him to see him?

A. I know him to see him. But I have never, knowingly, talked to him on the phone or otherwise.

Q. Do you know Joseph McDermott?

A. Yes, I know him to see him.

Q. How long have you known him to see him?

A. Oh, five years or more.

Q. Have you ever talked to him?

A. No, not that I am aware of.

Q. Now, could you give us any explanation for the telephone call from CRescent 8-2538 to your number, on May the 13th, lasting 13 minutes?

A. No, I certainly could not. But I was asked this question by Chief Inspector Graham, and I thought of every possible angle, and I told him everything that I could think of in connection with that -- in connection with any form of call, that I might have received, although the date was not given to me, nor for that matter the year. But I did -- I did think of every phone call by which I could have received such a call. I do have a large number of long distance calls, particularly from Toronto, from the newspapers, and others, at home and after hours. There would be nothing outstanding about receiving a call; if it suited their purposes to place such a call on record, they certainly could do so without my knowledge.

Q. Do you think that would account

for the 13 minute charge for the call?

A. I do not recall any lengthy calls, exceedingly lengthy calls from Toronto, regardless. Neither from newspapers or anybody else. I just do not recall such a phone call.

Q. Now, you say you gave Inspector Graham some possible explanation?

A. Well he asked me if there was any -- if there was anything that I could think of that might account for phone calls. He did not say it was only one; he did not say it was more than one.

I told him of certain real estate deals that I had been interested in, and received calls about.

Q. From Toronto?

A. From Toronto.

Q. From whom?

A. From a Mr. McDonald.

Q. What was his first name?

A. Joseph McDonald.

Q. Yes.

A. I only saw the man once.

Q. When did you first meet Joseph McDonald?

A. Well, I am not able to say even what year it was; but it would be 1957 or 1958; around there.

I have not heard anything at all, and I think Inspector Graham indicated that it would be around those years that that phone call was placed; I think -- I think, that is to say, ---

Q. When I say Toronto, I want to be more specific. Did you ever receive a phone call from Port Credit, around about May 1958.

A. Not to my knowledge. Absolutely not to my knowledge.

Q. I see. Go on with the explanation you gave to Inspector Graham.

A. Regarding the real estate?

Q. Yes, regarding this Joseph McDonald.

A. Well, I did receive several calls concerning ---

Q. First of all, tell us what your contact was with him, and where.

A. Well, he first came to my house; he and another man, and his interest was in selling real estate.

Q. Did he give you a card?

A. Yes he did.

Q. Have you got it?

A. No, I do not have it. I have not had it, probably, for three or four years.

Q. Do you recall where he was located, as shown on the card?

A. I do not recall very much about his visit, because I was not very much interested in what he did; but he did phone several times.

Q. Tell us what happendd when you first met him? Can you describe the man.

A. Not too well. He was a man taller than me; a little; 200 pounds, or more, and a red

face.

Q. What colour was his hair?

A. Grey. Probably sixty years of age.

Q. Did he wear glasses?

A. He did not wear glasses, when he was in the house. Not that I recall.

Q. What about his teeth?

A. I do not remember too much about that.

Q. Did he wear any pins of any kind?

A. Yes he did; it was either a Kiwanis or a Rotary Club.

Q. You say you gave a statement to Inspector Graham; I think that was in April of 1961, was it not?

A. Yes, I think about one year ago.

Q. Yes. I read from that statement: this is the description you gave at that time of Joseph McDonald: "To the best of my recollection, McDonald would be fifty-five or over; taller than myself; perhaps five feet eleven inches. Hair quite grey; reddish face; somewhat corpulent; weighing at least 220 pounds. Clean shaven. Wearing thick and heavy lens glasses. Kiwanis pin. Good, clean teeth, maybe false."

Now, would your recollection of the description of the man be better in April 1961, than it would be now?

A. Well, I think I would have remembered that; my memory is not functioning too well, perhaps to date. But I -- that is a correct statement of

what he looked like.

Q. And did the conversation with this Joseph McDonald and this other man take place in the presence of anybody else?

A. Yes. The family was there. There was not any other man there.

Q. There was not any other man?

A. No.

Q. Just Joseph McDonald?

A. There was another man, but he was at the car, and he did not come in.

Q. And did the members of your family overhear the conversation you had with Joseph McDonald.

A. They would have no reason to listen in particularly; they were in the house at the time.

Q. Were they in the room where the conversation took place?

A. My wife was, off and on, yes.

Q. Did she take part in the conversation?

A. No, I do not recall that she did.

Q. And what was McDonald trying to sell you?

A. He started off by talking about houses and lots in Toronto, and I told him I was not interested; and that I was interested in buying a property, but I was looking for something in the south; in the southern states.

Q. Yes.

A. He said he would later communicate

AA/A/AS

with me; that he had connections through Florida and Georgia, and that he hoped to acquire a property in Jamaica.

I told him that I might be interested.

(Page 2553 follows)

I told him that I might be interested, so he said he would be in touch with me again, and I did receive some phone calls from him pointing out particular property values, which I later checked on or had others check on.

Q. Where were these properties located?

A Well at Jekyl Island, in Georgia, and one property at a small place on the west coast of Florida, and I checked onthat myself and it was not good. To finish, I didn't go any further with it or buy anything from him. His prices were high in every case.

Q. Well, you ended up in buying, I understand, in West Palm Beach?

A. Yes, I did, but I bought it directly from the owner.

Q. Now, did you have any - - Can you fix the time of the year when this meeting occurred between McDonald and yourself in Peterborough?

A. No I can't. I actually can't be the least bit helpful. It was summer.

Q. And, did you hear from him after that date?

A. Well, I did get several phone calls from him and it was with that in mind that I talked to Chief Inspector Graham of it or about it. I thought that might account for

this phone call, because I could not consciously help him any at all on the source of that phone call.

Q. Now, - - What did McDonald say was the reason for coming to you about property?

A. Well, it is my understanding that I wasn't the only one he came to, but although I don't know anyone else he did see. Perhaps it could be accounted for by the fact that I have bought considerable property in the past.

Q. You have bought considerable property in the past?

A. Yes, I have.

Q. In what location?

A. In Peterborough, and almost every place I have been.

Q. Well, you say "every place" you have been - where you have been stationed?

A. Yes.

Q. Yes. And did McDonald tell you what had led him to visit you?

A. No, he wasn't there very long.

Q. That is not what I asked you.

A. No,he didn't tell me - he didn't tell me who had directed him to see me.

Q. And, how many communications did you have from him after that visit toyour home?

A. How many telephone calls?

Q. Well, whatever - - -

A. The telphone calls were all that I did receive.

Q. How many?

A. I believe four or five.

Q. Yes. And were they long distance?

A. Yes, in each case they were long distance.

Q. Where were they from?

A. Toronto.

Q. From Toronto?

A. Yes.

Q. And you say now you had no idea what his address was in Toronto?

A. No, I do not know for sure that I ever knew for sure beyond what was on the card.

Q. Nor have you any knowledge of his telephone number?

A. No I haven't.

THE COMMISSIONER: Q. What was his name?

A. McDonald.

Q. What was his first name?

A. Joseph.

Q. Was that on the card?

A. No, it was initials on the card.

I thought it was "J.C." McDonald.

MR. WILSON: Q. "J.C.McDonald"?

THE COMMISSIONER: Q Any first name on the card?

A. J.C.McDonald, Realter. I think he had on the card, and a telephone number.

THE COMMISSIONER: Q. Just the one name on the card?

A. Yes. I am pretty certain about the initials.

MR. WILSON: Q. How did you know the telephone calls were from Toronto?

A. I don't suppose I did know they were from Toronto beyond the fact they were long distance, and it was McDonald, and he was from Toronto.

Q. He told you he was from Toronto?

A. Yes.

Q That he lived in Toronto?

A. Yes. I never attached any particular significance to this call beyond the sale of real estate.

Q. Now, on May 19th, 1958, there was a further call from Crescent 8-2538 to your number, Riverside 5-6310. Do you recall that call?

A. No, I do not.

Q. And the story about Joseph McDonald is something that you told to Inspector Graham as being a possible explanation to account

for these calls from Crescent 8-2538 to your number?

A. I don't recall that he even gave me the number.

Q. What did he tell you about the call? Who did he say they were from?

A. He said they were from a number where Feeley used as a telephone or whatever - - - He said they were traceable to Feeley.

Q. Well, were some of the men from your district involved in certain raids by the Provincial Police in the Hamilton Area?

A. Yes.

Q. And, can you tell us the year that those raids took place?

A. I thi_nk it was 1957.

BB/2

Q. '57. And, tell us what you recollect about the use of some of your men for that purpose?

A. The call was received at our office to send five uniformed men to the general headquarters - - I am not certain about the time they were to be there, but I think it was about seven or seven-thirty.

Q. Who asked for those men?

A. Well, it was the Sergeant that received the call.

Q. I see.

A. But in I was, I was there and

helped select the men. The men were Corporal Rawlings, Constable Eastwood, now stationed at Minden; Constable Gordon Gray, now stationed at Campbellford; Constable Mimigon, at Peterborough.

THE COMMISSIONER: What was his name?

A. Mimigon.

Q. Spell it.

A. M-i-m-i-g-o-n.

Q. Mimigon, M-i-m-i-g-o-n?

A. Yes.

Q. Yes, and the last one?

A. There were five; Constable Rawlings - - -

Q. Rawlings, Eastwood, Gordon Gray, and Mimigon, and who was the fifth?

A. I can't recall.

Q. Speak a little louder so that the reporter can get it. I thought you had named a fifth?

A. Constable Eastwood, Constable Gray, Constable Mimigon, Corporal Rawlings - - I am certain there were five.

MR. WILSON: Q. What were the instructions as to where these men were to go?

A. To general headquarters in Toronto and in uniform. The Sergeant and I were both there when they were dispatched, and I think it was seven or seven-thirty, was the time that they were to report for duty.

THE COMMISSIONER: Q. In Toronto?

A. In Toronto.

MR. WILSON: Q. Now, you are no doubt familiar with some of the statements that appear in what has been called the Scott Report?

A. Yes, I read in the paper pretty well what was said.

Q. Yes. Well, now, I read you a statement in that report, the 8th report.

THE COMMISSIONER: What number is that?

MR. WILSON: It is the 8th report at page 22.

THE COMMISSIONER: I know, but what is the Exhibit number?

MR. WILSON: Oh, the exhibit number of that is 61, and under date of May 8th, there is a statement that George Scott says was made to him by F.C.Wright, quote:

"When the big investigation at "Hamilton was being . . . " - - -

THE COMMISSIONER: May 8th, you say?

MR. WILSON: Sunday, May 8th.

THE COMMISSIONER: Is that - - oh, yes, item 8.

MR. WILSON: It is page 24, at the top.

"When the big investigation at "Hamilton was being wound up at

"Hamilton and the Branch drew men
"from the District for the raids,
"Inspector Stringer phoned several
"people, including Joe McDermott
"and told them that he knew.
" These raids were conducted
"at Hamilton about three years ago
"after Constable Lawrence had spent
"several months under_cover
"in that City."

Now, what is your comment about that statement?

A. That is not true in the slightest degree; that is absolutely not true. I did not phone McDermott or any other person. I did not even know when those men were dispatched that their purpose was a raid on a gambling house, and there was absolutely nothing to indicate that that was the case. They were detailed in uniform, which would be most unusual, and that is the only time in my recollection when I was ever asked for men.

Q. Now, one other question, then, I think I am through for the moment: What explanation have you got for being picked out as the person who received this Ramsay Club brief for the purpose of ~~xxxx~~ turning it over to Sergeant Anderson? Why would they pick you out?

A. I don't know. They probably

thought I was more gullible, which appears to be so.

THE COMMISSIONER: No, you aren't gullible, Inspector. Don't be over-modest.

A. Well, your lordship, I was - - -

Q. You didn't know Humphrey and, Humphrey didn't want Anderson or headquarters to know that he had anything to do with this case. Apparently he didn't know you, but among all the men on the Ontario Provincial Police Force, he picked you out. How many men on the Force at that time over the Province?

A. Probably 1600 at that time.

Q. He picked you as the one man out of 1600 to give this brief to?

A. I couldn't explain why he would have picked me, no. He may have tried others; I don't know why he did or didn't. But, I speak emphatically that I had no guilty knowledge in connection with that brief. I thought at that time that the Anti-Gambling Squad would decide on their own what to do with it. There would not be any reason why they should, or necessarily be influenced by the fact that I delivered it. They could have, if they so chose, disregarded it completely.

MR. WILSON: Q Why wouldn't you suggest to Humphrey that if the thing was to be an anonymous document coming through you that it

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would be probably more direct to simply send it in as an anonymous document to Sergeant Anderson without going through you?

A. Yes, that would have been very proper. I don't remember all the details of that phase of it, or what was said.

Q. Did you know P.C. R.J.Wright at that time?

A. I don't know P.C. R.J.Wright yet.

Q. Well, in other words, you did not know him then?

A. No. If I ever saw Wright at all, it was that day in the office that Corporal Shrubb was there. That is the only time I think I may have seen him.

MR. WILSON: Now, I think possibly while I have the witness here I might deal with one other matter of transfer.

Q. Do you recall having any discussions with Sergeant Hatch about possible promotion and transfer of Hatch to your District?

A. Just transfer, not promotion.

Q. Tell us how that came about?

A. That was something that had been discussed for a number of years. He - - -

Q. Between whom?

A. Between Sergeant Hatch, who was then a Corporal at Madoc - going back to that

early day - and Sergeant Palmateer, who is my Sergeant, and with myself and later at Essex when he was made Sergeant. Sergeant Hatch and I have been fairly good friends through the years. I would have welcomed his transfer to my District. He repeatedly said he would like to come to Peterborough, that his daughter was there, she was getting married to a local boy.

I do not think there was anything mysterious about the talk with Sergeant Hatch, or Corporal Hatch when he was at Madoc, coming to Number 8 District, and I do not think that it would be fair to mention those two alone, as there have been a very great number of officers transferred to Number 8 District on their own requests, and they have in each case discussed this with me. They have transferred there on compassionate grounds and for different reasons and they number more than twenty officers who are presently working, who, by their own efforts have arranged to transfer on compassionate grounds or for other reasons. Now, this is not an unusual thing to discuss transfer with men. I know fully what is being implied in these two particular transfers and, I say there is absolutely no ground to believe all that.

THE COMMISSIONER: Q What do you think is implied?

A. Well, I was told by Chief Inspector Graham that the implication was my desiring them out of the way of McDermott and Feeley, and I am sure I do not care one bit about McDermott or Feeley in any respect, or who works there, and I never at any time had the men transfer to my district for that reason. I certainly did communicate with Shrubb and with Hatch as described, but that was not my motive, it is a certainty.

MR. WILSON: Q. Well, did any member of the Anti-Gambling Squad ever transfer to Number 8 District?

A. Yes.

Q. Who is that?

A. Ralph Tremills. I had nothing to do with the transfer, beyond the fact that he just reported for duty there. I didn't know him before he came there.

Q. But, you did have discussions with both Shrubb and Hatch with regard to possible transfers to District No. 8?

A Yes, and I had a number of discussions with Hatch before he had anything to do with Essex.

Q. Yes, I understand that.

A Yes.

Q. Now, is there anyone else in the Anti-Gambling Squad that you ever had

discussions with about transfer to Number 8 District, other than Shrubb, or - - -

A. Many men have asked me for a transfer, and there is a possibility that some member of the Anti-Gambling Squad asked me, but I don't recall any such request. It could have happened. It could have happened without me remembering it, because I am sure that more than a hundred men have discussed the possibility of transfer to my district. I expect that occurs with all districts, but, it certainly has with mine.

Q. I just wanted to be clear about Shrubb and Anderson. You say - - I am sorry, Shrubb and Hatch. You say that they initiated the suggestion in both cases, in each case, about a move or possible move to District No. 8, not you?

A. Not Hatch. At the time we discussed it in Essex, I think that came up in general discussion more. I stayed overnight at Essex, en route to Cleveland, and I was stopped by an officer on the highway for failing to dim my lights. I asked him if he would contact Hatch, or if he was available. And, as a result, he came down to the motel. We discussed many things. We talked about the years we had worked together, or near together, and I don't recall whether Hatch brought the thing up,

or I did. But, previous talk was fresh in my mind concerning a transfer, and it could very well have been me, but I didn't go there with that purpose in mind at all. But, I would have been quite pleased to have Hatch come to my district.

Q. And, this trip you took to Cleveland would be in July of possibly '57, would it not?

A. I couldn't say what month it would be, I think it would be - - it would be in 1957.

MR. WILSON: Yes. Now, Mr. Commissioner, Mr. Rose has handed me three questions that he would like me to put to this witness.

THE COMMISSIONER: All right.

MR. WILSON: "Q.1. Had you ever spoken - - have you ever spoken - - Had you ever spoken to David Humphrey prior to this telephone call respecting the brief?"

A. Had I ever - - - ?

Q. "Had you ever spoken to David Humphrey prior to this telephone call respecting the brief?"

A. Not that I am aware of.

Q. "2. How do you know it was David Humphrey you were speaking to?"

A. Well I don't suppose I do know.

Q. "3. Were the reasons advanced by the person who said he was Dave Humphrey as to why the raid on the old Ramsay Club should be conducted while Shrubb was on holidays in your opinion sufficiently cogent in order for you to suggest this to Anderson?"

A. Yes, I consider they were.

Q. That is all. That is all, thank you.

(Page 2572 follows)

EXAMINATION BY MR. MacKINNON:

Q. I believe you advised the Commissioner that there were some 1,600 men in the Force at the date of the delivery of this brief to you; isn't that correct?

A. That is just an approximate number.

Q. And, there would be approximately forty Inspectors, to limit it to the category of Inspectors?

A. Seventeen of my rank.

Q. Seventeen of your rank, and some twenty-three would be----

A. Outside of Toronto.

Q. But, Inspectors, generally, there were some forty of them, were there not -- are there not?

A. I think in all there are some forty-nine in ranks above -- Inspectors or above that rank.

Q. Are you telling us that you have no explanation to give us as to why you of all those you mention would be the one chosen to carry this brief for them; no explanation whatsoever? -- a complete mystery to you?

A. I don't think it is a mystery, but I can't account for it; I can't give you a satisfactory explanation.

Q. Can you give us any explanation?

A. I didn't know what was in the minds

of the people who contacted me, whether it was Humphreys or who it was. I don't know why they contacted me.

Q. Well, I thought you told us originally without any equivocation that it was David Humphrey who called you?

A. I would have no way of knowing that.

Q. Did you receive a call from David Humphrey after the preliminary proceedings in this matter?

A. After the preliminary proceedings?

Q. In the Wright, Feeley and McDermott matter?

A. Yes, I did.

Q. You did?

A. Yes.

Q. I see. What was that conversation?

A. Well, it was -- I was at Cobourg at a trial; I was called to the phone and he was on the phone. He said it was David Humphrey, and he.....

Q. Same voice as before?

A. Oh, a lot of years had passed. I don't know why you say it was or wasn't. But, he -- he seemed a bit perturbed about a statement that I had made to the Press, or about me saying that I had spoken to him on the phone. The conversation was short and to the point. He said,

"You never saw me in your life".

Q. Did you agree with that?

A. Well, I thought I had, and I was thinking in terms of the inquiry on the highways. I thought I had, but I am not certain if I ever saw him, or not.

Q. What was the rest of the conversation?

THE COMMISSIONER: Q. For my edification, you said he called you and he was perturbed about something? What was he perturbed about?

A. He was perturbed that the paper had carried a story to the effect that he was the one that sent the brief to me.

Q. You had given that statement to the Press, you mean? How did the paper get the story?

A. Well, I'm not clear on that, but I know that -- I know that it -- that he was perturbed---

Q. No, no, no, no, you have told us that two or three times.

A. Yes.

Q. What I am asking you is did you give a statement to the Press?

A. I don't recall that I did, but something must have come up at that time that caused them to call me at that time.

MR. MacKINNON: Q. Something certainly must have come up; now what was it?

A. It must have been in connection with the trials.

THE COMMISSIONER: Q. Come back to what I have been talking about: You said he seemed perturbed about you having given a statement to the Press. That is what I wrote down, in any event. Did I misunderstand you?

A. No, that is not---

Q. Well, did you give a statement to the Press?

A. I didn't give a statement, but I thought it appeared in the paper.

Q. Well, now, please---

A. I am not clear on that.

Q. You certainly are not, and you have got me quite confused. You said a moment ago that he said he seemed perturbed about you having given a statement to the Press. Now, I ask you again: Did you give a statement to the Press?

A. I didn't recall -- I don't recall --- I didn't give a statement.

Q. Well, did you talk to the Press?

A. Well, as the -- May I explain the phone call?

Q. Just answer the question.

A. I don't recall.

Q. You do not recall? After the preliminary hearing you talked with any members of the Press?

A. Yes.

Q. About this brief?

A. They called me, yes. They called me from Toronto.

Q. Who called you from Toronto?

A. I don't know.

Q. Well, some of the reporters?

A. Reporters.

Q. The reporters, yes.

A. Reporters.

Q. Yes?

A. I expect they gave me a name at the time.

Q. Well, now, did you tell them that Humphrey had given you this brief?

A. Well, that is what I am not clear on, but I must have, because it was at that time he was certainly disturbed about his name appearing---

Q. What did the reporters want to know when they called you?

A. They wanted to know if I had any part in the delivery of this brief.

Q. What did you say?

A. I told them Yes, I had.

Q. Yes, what else did you tell them?

I am usurping counsel; that is a bad habit of mine.

MR. MacKINNON: Quite all right -- all right.

Mr. MacKINNON: Q. Did you tell them where it came from?

A. Yes -- I don't know what I told them -- it must have been why Humphrey called that he was perturbed about his name appearing.

Q. I suggest to you that you said to them that he said to you that it did not come directly from him and that you said you did not get this in the mail, that it was handed to you.

A. No.

Q. Isn't that a correct statement -- that it was handed to you?

A. No, it is not a correct statement.

Q. Wasn't Mrs. DesOrmeaux your chief secretary at that time?

A. No, she wasn't my chief secretary.

Q. Wasn't she taking some of your dictation at that time?

A. Yes, but she wasn't my chief secretary, but she took some of my dictation.

Q. And, wasn't Miss Campbell taking your dictation also?

A. Mrs. Campbell took it, and Mrs. Goodfellow -- any one of them.

Q. Did not you state in front of Mrs. DesOrmeaux at the time it was received where you got this brief?

A. I did not.

Q. At the time it was received?

A. No.

Q. Not?

A. And, Mrs. DesOrmeaux, to my knowledge, never saw that brief.

Q. You have never discussed it in her presence?

A. No, I did not.

Q. Who was your Staff Sergeant at that time?

A. When would the date be; one year ago?

Q. August, 1958, when the delivery of this brief took place?

A. Well, it could have been Staff Sergeant Clarke.

Q. Did you discuss this brief with him?

A. Yes, I think I did.

Q. And its source?

THE COMMISSIONER: Q. Answer.

A. I am not certain.

MR. MacKINNON: Q. Is that possible?

A. Yes, it is possible that I did.

Q. It is. Is he still in your Division?

A. He is dead.

Q. Yes. Now, I notice that you were asked I believe by the Commissioner as to information you had subsequent to the delivery of this brief ~~[illegible]~~ to you as to who had drawn it up, and you stated you had an impression that

Humphrey himself drew it up -- "...whether he told me..." were your words...

A. "Whether he told me"?

Q. ..."...I don't know." Now, you did have more than this one conversation that you told us about with Humphrey; you had at least two; isn't that correct?

A. Yes.

Q. Did you have more than two? Is that possible?

A. It is possible, but I don't recall.

Q. How did you happen to forget this more recent conversation?

A. Well, as a matter of fact, I thought of it during the dinner hour. I intended, certainly, to tell you about it. There was no reason not to.

Q. Now, when you say, "whether he told me", is it possible, in this second phone conversation he did tell you he had a hand in drafting this brief?

A. No. I would say No, because the second telephone call was a very, very short telephone call; very short.

Q. What were you thinking of when you said he had -- you had an impression he had drafted it but whether he told you or not you were not sure? What conversation did you have reference to?

A. Well, the telephone conversation I had with him.

THE COMMISSIONER: Q. Which one of the telephone conversations?

A. Well, the first one.

Q. Yes?

A. Definitely not the second one. I know it was on the second telephone conversation that it was confined almost to saying, "You never met me in your life. Why do you attempt to involve me?" I said "I thought I had met you, but I'm not that certain." That is about all there was to the second conversation, and that telephone conversation was just something over a year ago, I think.

MR. MacKINNON: Q. Then, I want to take you into the month of August, Witness, and I would like to see your police diary for 1958.

A. I do not have it with me, sir.

MR. WILSON: No doubt the witness can bring it to-morrow.

MR. MacKINNON: Well, I would certainly like to have his police diary for '57 and '58.

THE WITNESS: I have checked the diaries concerning these dates described and there is nothing that can be helpful, I can assure you.

THE COMMISSIONER: Q. Well, bring the diaries, anyway.

Tell him what you want.

MR. MacKINNON: I would like from '55 on.

THE WITNESS: Yes.

Q. And, when Mrs. DesGroseaux was with you, was she the one who made out the diary entries in your diary?

A. Yes.

Q. She did?

A. She usually did, I would say not always, but she did more than others.

Q. That is against Regulations, isn't it? You are supposed to make your own entries in these diaries are you not?

A. Oh, she never made any entries to the diaries.

THE COMMISSIONER: Q. That is what you were asked.

A. Oh, no -- I thought the reference was to the report on the diaries. Diaries are certainly all my own entries.

Q. The diaries are certainly all in your own handwriting?

A. Oh, yes.

MR. MacKINNON: Q. Well, we will have a look at it to-morrow.

You stated in chief that you called Anderson and told him that in the first instance that you wanted to discuss two places in operation in Peterborough; isn't that correct?

A. I expect it was, because that was discussed. I expect I told him that.

Q. But -- And then subsequently when you were asked about the documents you handed Sergeant Anderson, the brief was the only thing you mentioned, and you have forgotten completely about this other memo, this Exhibit 101. I suggest the reason for that was that this information on the gaming house in Peterborough was not the real reason why you wanted to see Sergeant Anderson, it was just an excuse, wasn't it?

A. No, it was -- This other information was taken there at that time because I was going, but the real reason was the brief admitted.

Q. Yes, but you did not tell Sergeant Anderson that, I suggest to you. He has sworn under oath that you told him that you wanted to see him because you had some information regarding the City of Peterborough, and that was it.

A. Yes.

Q. Isn't that correct?

A. Well, I did have that information and I did discuss it with him.

Q. But, he swore that you told him that was the reason you wanted to see him?

A. Well, it was, up to a point.

Q. I suggest to you that was just a subterfuge so that you could meet Anderson and

then turn over this brief to him?

A. Oh, no, no, no. Anderson -- I don't recall I discussed the brief beforehand. That, I do know for certain had I told Anderson over the phone that I wanted to deliver the brief to him he would have met me. I had no feelings that he would not meet me. And, that was not used in the manner in which you suggest.

THE COMMISSIONER: Q. No one is suggesting that you told him that.

THE WITNESS: I am sorry.

MR. MacKINNON: I suggest to you that you made no mention to him of the brief in that first telephone call; you only said, "I have some confidential information regarding the City of Peterborough that I don't want to talk to you about over the telephone, and I want to see you." Isn't that correct?

A. I think it is likely correct. If Anderson says so, I would be prepared to concede it was, because Anderson would not lie about it.

Q. No, Anderson would not lie about it. And then, you got the door open, presumably, about Peterborough and the gaming situation there; correct?

A. It is not correct in the way you put it if I understand you correctly, because you are implying that I used that as a subterfuge

to engage him in conversation. That would not be so. That would be unfair to state it, because I felt I could have had an interview with Anderson no matter what I told him; he wouldn't have refused to meet me and discuss it.

Q. Let me put this to you, Exhibit 101, which is this interesting memo, one page, dated 4th July, 1958, which is reporting on the alleged gambling at Peterborough. This was not a top secret document, was it?

A. No.

Q. It could easily have been sent along in the mail for that matter?

A. Yes.

Q. It could have been telephoned?

A. Yes, it could have been.

THE COMMISSIONER: Q. Did I understand you to say it was on your desk for some time?

A. I am just trying to figure the dates.

MR. MacKINNON: It is dated July 4th, 1958. So, it sat on your desk for a month?

A. Yes.

THE COMMISSIONER: Q. It was not an urgent and pressing matter?

A. No, it was not.

MR. MacKINNON: Q. Was there anything urgent and pressing about what you wanted to see Anderson about?

A. I wanted to see him about the brief;

there is no doubt about that.

Q. What was urgent and confidential about the brief that you couldn't have dropped it in the mail? Why couldn't you have dropped that in the mail?

A. There was certain discussion concerning Corporal Shrubb as to why he should not be included in the raid.

Q. Why would you suddently not want to discuss Corporal Shrubb with him, because of a phone call from someone you did not really know?

A. Yes, I felt it was rather important; that phase of it was rather important.

Q. But, you were discussing Corporal Shrubb with him in relation to this raid, I suppose?

A. Yes.

Q. And so you anticipated the raid would bomade and you didn't want Corporal Shrub on it?

A. Yes -- Not the question of I didn't want him. I wanted the facts to be made known.

Q. You wanted the raid to be successful?

A. I don't think I had that interest in it, actually.

THE COMMISSIONER: Q. Were you indifferent about it?

A. Yes, I think I was indifferent

about it -- before I was halfway through I didn't want any part of it -- about that brief.

Q. Your headquarters are in Peterborough?

A. Yes.

Q. And, you are a district chief up there?

A. Yes.

Q. And, how many men have you under you?

A. Lower ranks, 100.

Q. And yet you come down yourself, as district chief over a hundred men and discuss a brief with the Anti-Gambling Squad; that is correct, is it, Witness?

A. Yes.

Q. What I want to know is why you took such a personal interest in a document that you say you could have sent in the mail?

A. There was certain parts of interest.

Q. Certain parts -- and, in fact, you said certain parts of it were gossip?

A. Yes, certain parts of it was gossip.

Q. And it was from someone whom you never saw and had only spoken to you on the phone, isn't that correct?

A. That is correct.

Q. And, that would have a certain affect on Sergeant Anderson, wouldn't it?

You were telling him that Shrubb was after his job; isn't that correct?

A. Yes.

Q. And turning his men against him?

A. Well---

THE COMMISSIONER: Q. That is in fact what you told me. You said that?

A. Yes, but I had nothing like that in mind.

MR. MacKINNON: Q. What did you have in mind?

A. Well, I thought of men which I had. I thought the information I had was of some importance.

THE COMMISSIONER: Q. You are not answering Mr. MacKinnon's question.

A. Sorry.

Q. What did you have in mind when you told Anderson in substance in your opinion Shrubb was trying to turn Anderson against him? What was your purpose in telling him that? That is what Mr. MacKinnon wants to know.

A. I don't think I had any definite purpose in mind; it was part of a general discussion, and I felt it was true. Beyond that, I -- I don't think I have any explanation of why I said it.

MR. MacKINNON: Q. And yet you have spent some time this afternoon and this morning telling us of what good reports you had of Corporal Shrubb?

A. Yes.

Q. He was a good officer?

A. Yes, that is what Frank Scott said, yes.

Q. And you in fact even tried to get him to your Division?

A. I requested a transfer for him.

Q. You initiated the discussion, didn't you, Witness?

A. No, I didn't initiate it.

Q. And, Constable Wright was present when this was discussed with you?

A. I have never seen Wright, to my knowledge, if I did see Wright.

Q. Could you tell us who was present?

A. Palmateer and the Staff Sergeant were in the room.

Q. And they could have been listening?

A. Yes, they could have been available to hear.

Q. Did you telephone Corporal Shrubb subsequent to that meeting and ask to meet with him?

A. I don't recall that I did, but I did meet with him, and it possibly was as a result of a phone call.

(Page 2593 follows)

Q. And is it possibly a phone call that you made?

A. Yes, well, in Toronto as I remember it, we were at an Inspectors Conference. I am not certain of that, but I was at the St. Regis Hotel and it would be for some reason of that kind.

Q. And I suggest to you that you calledCorporal Shrubb and asked him to meet with you, and that this phone call was made on June the 7th, 1955, is that correct?

A. That could have been, yes. I may have called him.

Q. And you asked him to meet with you at the St. Regis Hotel, is that correct?

A. I don't recall that I did, but he did meet me there, and possibly as a result of a phone call from me. It is a long time ago, I don't remember that I phoned him, but if he says I did, I expect I did.

Q. And did you tell him that you wished to create a position in your district, which would call for the rank of Sergeant, and that you would like him to consider a transfer from the Gambling Branch?

A. At that time?

Q. June the 7th, 1955.

A. At the St. Regis Hotel?

Q. Yes, or outside on the street?

Q. And is it possibly a phone call that you recall?

A. Yes, well, in December of 1[illegible], no more at an Impeachment Conference, I am not certain of that, but I was at the St. Regis Hotel and it would be for some reason or other.

Q. And I suggest to you that you telephoned Thomas Jos Allen to meet with you, and that such phone call was made on June 6th 1[illegible], or that vicinity?

A. That could have been, yes, I may have called him.

Q. And you asked him to meet with you at the St. Regis Hotel, is that correct?

A. I don't recall that I did, but he did meet me there, and possibly as a result of a phone call from me. It is a long time ago, I don't remember that I phoned him, but it is more I did. I suppose I did.

Q. And did you tell him that you wished to create a position in your office, which would call for the rank of Sergeant, and that you would like him to constitute a transfer from the Sheriff's office?

A. At that time?

Q. Late June 1[illegible], 1[illegible].

A. At the St. Regis Hotel?

Q. Yes, or question on the subject

A. No, I told him at that time that I was not able to. The conversation concerning - -

MR. MacKINNON: Maybe - - -

THE COMMISSIONER: Let him finish, please.

THE WITNESS: A conversation concerning a better rank and position at Cobourg took place in Peterborough, and the conversation which took place in Toronto was to tell him that there would not be such a promotion go through, and indeed there has not been a promotion go through.

Q. Let me put it to you this way. If Corporal Shrubb swears that you stated to him that you wished to create a position in your district, which called for the rank of Sergeant, and that you would like Corporal Shrubb to consider a transfer from the Gambling Branch to fill that position, you deny that, is that correct?

A. Oh, no, I don't deny it, but I deny that it took place in Toronto.

Q. You deny that that took place while you were together in Toronto, either at the St. Regis Hotel or did you go for a walk that evening, or do you remember that?

A. I don't remember that.

Q. Do you remember driving down to the C.N.E. grounds overlooking the lake?

A. No, I don't.

Q. You are aware, are you, that Corporal Shrubb made a memo of this meeting at the time, or shortly thereafter?

A. Yes, I am also aware that quite a number of men in our force are yearly convicted for falsefying diaries. I don't remember ever driving down there with him.

Q. Just let me get you clear on this, witness, you are saying then, if he so states that when you were in Toronto, on June the 7th, 1955, that you stated to him that you wished to create a position in your district, which called for the rank of Sergeant, and you would like him to consider a transfer from the gambling branch to fill that position, that that is not a true statement of fact - let us be understood about that, I am talking about June the 7th, 1955, in Toronto?

A. I cannot agree with that. I say that that conversation did take place, but it did take place in Peterborough, and not in Toronto. It took place in my office, because by the time I was in Toronto I had found out that there would not be a promotion in Cobourg.

Q. Well, wasn't there a Sergeant Douglas Wilson then in charge of the Cobourg Detachment?

A. What year?

Q. 1955.

A. No.

Q. There wasn't - are you sure of that?

A. Yes, I am quite sure of that.

Q. So you did state then to Corporal Shrubb, once again on June the 7th, 1955, that you did not wish this discussion you were having with him to come to the attention of Sergeant Douglas Wilson, who was then in charge of the Cobourg Detachment?

A. He may have been in charge, but he was not a Sergeant, he never has been a Sergeant in charge - - -

Q. Let us leave the Sergeant off. Did you tell him not to let this discussion you were having with Corporal Shrubb to come to the attention of Douglas Wilson?

A. I expect I would have, because if Wilson was there at that time, he would not appreciate someone coming in over his head.

Q. Corporal Shrubb was a fairly junior man at that time, wasn't he?

A. Yes, that is what I was told by the Department - that he was too junior.

Q. You were aware of that when you were discussing it with him?

A. Well he felt that he was entitled - - -

Q. You were aware of that fact when you were discussing it with him?

A. Yes.

Q. And it is strange to promote this man over a number of your senior Corporals?

A. It has happened many times. I don't know why it would be strange in this particular case.

Q. But there are many competent men who are more senior, who would equally well do the job, are there not?

A. Yes.

THE COMMISSIONER: Were you anxious to have Corporal Shrubb come to you, to your district if it were possible?

THE WITNESS: I should not say anxious, but I was quite willing. I was of the opinion he was a competent officer. I was not anxious, but I was quite willing.

MR. MacKINNON: Apparently between that time and those dates and that year, and 1958, you must have changed your opinion of Corporal Shrubb?

A. No, not necessarily.

Q. But nevertheless - - -

THE COMMISSIONER: What does that mean, "No, not necessarily"?

THE WITNESS: Well that means that I would have to say that Mr. MacKinnon is probably

referring to - - -

THE COMMISSIONER: He is just referring to whether or not you changed your opinion, and did you?

THE WITNESS: I would have been willing at any time to have Corporal Shrubb in my district, but I did hear things that made it seem less desirous, but not to the point that I would not have had him in my district. You cannot always have completely satisfactory men. Corporal Shrubb would have been a better choice than Corporal Wilson.

CC/2

MR. MacKINNON: Than who?

THE WITNESS: Corporal Wilson.

Q. Well, did you advise Sergeant Anderson on the occasion of this meeting with him, in August of 1958, that - - -

THE COMMISSIONER: August, 1958?

MR. MacKINNON: Yes.

When you were discussing this brief with Sergeant Anderson that he should be very careful of Shrubb, but you further advised him that you did not think that anything Shrubb could say, or do, would in any way hurt Anderson with the Department heads. Did you say words to that effect?

A. Yes, that would be my opinion, so I expect I stated it.

Q. If Anderson had to be careful

of Shrubb, and be wary of what he might say about Anderson to the Department heads, why wouldn't you equally be as wary of having Shrubb in your division?

A. I expect I should, but you can't always be without such men.

Q. What do you mean by that?

A. Not all men are completely loyal to the inspector or to the Department heads.

Q. You were under no compulsion to accept Shrubb, were you?

A. No.

Q. This was a free-will offering on your part, wasn't it?

A. After he had made a request, yes.

Q. And yet as I understand you, you really went down to see Anderson in August of 1958, because someone over the telephone had told you about Shrubb, and you wanted to talk to Anderson about Mr. Shrubb?

A. Oh no.

Q. I understand that was the reason why it was so important that you meet him personally, otherwise you could have sent the brief in the mail, couldn't you? Isn't that what you told us?

A. I expect so, but I did not go ~~there~~ there to discuss Shrubb with Anderson.

Q. I thought that was your reason for going down?

A. I did discuss it with him while he was there, but it was not my purpose in going.

Q. The real urgency wasn't Shrubb at all, it was this brief, am I correct?

A I have never said anything else.

Q. You said it, as I understood you, this afternoon, that the real reason was that you had some important information about Shrubb that you wished to convey to Sergeant Anderson and, that otherwise I understood that you would probably have put this brief, given to you, to him anonymously in the mail - that is not correct?

A. No, that is not correct.

Q. So we will forget Corporal Shrubb. So that the purpose in going to see Anderson and making these top secret arrangements with him, was the brief, and the brief alone, is that correct?

A. You are making it appear that way.

Q. I was not involved in it, I am not. You said it was very confidential and that you could not talk to him about it over the telephone, is that correct?

A. I expect that information to do

with gambling is confidential, up to a point.

Q. Come now - -

THE COMMISSIONER: This particular information you regarded as confidential?

THE WITNESS: Concerning the brief?

THE COMMISSIONER: Yes.

THE WITNESS: Yes, I did.

MR. MacKINNON: Did you not ask Humphrey why he did not want to be mixed up in this?

A. Yes, I did.

Q. Now why - what was his answer?

A. I don't recall that he gave any particular explanation.

Q. Well surely - - -

THE COMMISSIONER: You told us this morning he did.

THE WITNESS: I was going to say, my lord, that he did not want to be associated with it.

MR. MacKINNON: Why would you want to be associated with it - are you any worse than Mr. Humphrey?

A. I must be, because I did deliver the brief.

THE COMMISSIONER: Let us have a ten minute recess.

---Commission recessed for ten minutes.

---On resuming at 4:05 p.m.

---Witness resumed the stand.

MR. MacKINNON: Witness, I was asking you at the adjournment about Humphrey's reluctance to be associated with this brief, and you had told us earlier that his explanation for that was that he did not want Sergeant Anderson to know, is that correct?

A. Yes, that is what he said.

Q. Surely you asked him why he did not want Sergeant Anderson to know - Sergeant Anderson is a police officer and so are you?

A. Yes, of course, I wondered about that.

Q. You asked him, didn't you?

A. Yes, I think I did.

Q. And what was the answer?

A Well, as I said before, he did not give any explanation why.

Q. Why didn't you tell him to throw his brief in the wastepaper basket then?

A. I probably should have, I didn't.

Q. You encouraged him to send it along, despite these instructions?

A. No.

Q. You must have requested him to send it along?

A. No, I didn't ask him - - no I

didn't. I was somewhat indifferent about the whole affair. Certainly, the pressure, if any, came from him, not from me.

Q. This was something completely out of the normal in the routine, wasn't it?

A. Yes.

Q. And, you had some stranger calling up, who identified himself by name, a man whom you did not know personally, you say, and tells you he has got something for you about a gambling club in Niagara Falls, and then advises you that his name is not to be mentioned in connection with the brief, because he doesn't want the head of the Anti-Gambling Squad to know that he has had anything to do with it, and you just swallow that?

A. There was much more than that to it.

Q. How much more?

A A lot more.

THE COMMISSIONER: Well, what was "a lot more"?

MR. MacKINNON: Is this the gossip about Corporal Shrubb you are now coming to?

THE WITNESS: Yes.

MR. MacKINNON: And you listened to that?

THE COMMISSIONER: Is this in his discussion over the telephone with - - -

MR. MacKINNON: With Humphrey.

THE COMMISSIONER: With Humphrey?

THE WITNESS: Yes, that is right. I thought it was important. It concerned tip-offs and I knew that I had been named as one of the people who were guilty of such things, and doing such things.

MR. MacKINNON: You knew in August of 1958?

A. I knew shortly after.

Q. You knew at the time of Humphrey's - - --

THE COMMISSIONER: Let him finish.

THE WITNESS: What I say I knew. I knew quite soon after the raid you asked me about.

MR. MacKINNON: Which raid?

CC/3 A. The only raid that we are talking about, the one when I sent uniformed officers.

Q. You are talking about the Hamilton raid now?

A. Yes, the only one I know anything about. I say I knew quite soon after that, that it was being said that there was a tip-off. Our own men when they returned - - Sergeant Rawlings told me it was being said there was a tip-off.

THE COMMISSIONER: From Peterborough?

THE WITNESS: I don't think he said from Peterborough, but he said a tip-off. It wasn't too long until I learned that I was one of the people being blamed for the tip-off.

MR. MacKINNON: From whom did you learn this?

A. I do not recall - - it was generally - - it was being said - it could have been one of our men that were on the raid.

Q. I want to come back to the telephone call with David Humphrey - or an individual who identified himself as such, to you, as David Humphrey.

A. Yes.

Q. Now I am very interested in getting the exact facts as to what you said when he told you that he did not want Sergeant Anderson to know he was associated with the brief. Did he suggest that he was an enemy of Sergeant Anderson's in some fashion?

A. I do not think it was confined to the brief alone. It was evident that he did not want him to know that he was associated with this movement, or with this gossip, as you say, or the information given to me, in general.

Q Wasn't the brief - - now let us be clear, you said the real reason you went down to see Anderson - you finally stated - was the brief, that was the important thing?

A. That was the important thing.

Q All right. well now, wasn't it the brief,that Humphrey was talking about, this important thing, that he did not wish to have revealed he was associated with?

A. No, I don't think it was. I thought it was the other things that he told me.

Q. Not the brief?

A. The brief was for my purpose, but I didn't think that Humphrey was as concerned about the brief as he was about the other things he told me.

Q. Well now, Witness, you told us earlier today that you were informed by Humphrey not to tell Sergeant Anderson that he had anything to do with the brief, and in reply to a question from the Commissioner, you said that was your intention, when you first started to talk to Anderson?

A. That is right.

Q. And you were following instructions in that regard, isn't that correct?

A. Yes, that was my feeling, but when I first talked to Anderson, that I was not going to tell him the source of my information.

Q. And you were doing that, because Humphrey had told you to do it?

A. Yes, I expect so.

THE COMMISSIONER: Well, don't expect so.

That is a fact?

THE WITNESS: Well, that is how it happened.

THE COMMISSIONER: No, no, that is the fact?

THE WITNESS: That is the fact.

THE COMMISSIONER: Have we then got that clear?

THE WITNESS: Yes, that is clear.

MR. MacKINNON: Q. Did you ever have anything to do with the Tisdale Club raid - you knew it was raided, and had been prosecuted?

A. Yes.

Q. It was a gaming establishment in the City of Peterborough?

A. In Peterborough, yes.

Q And you knew, I take it, who the lawyers were who defended the accused - Sol Gebirtig and David Humphrey - you were familiar with what went on in your area?

A. I expect I was at the time, but I don't recall it now.

Q. Did you recall it in August of 1958?

A. I did not have any particular interest in the - - I don't know - I wasn't in Court, I was not associated with it in any way.

Q. Had you not been associated with the investigation in an earlier stage?

[illegible] 1 [illegible]

[illegible] Yes, that is one of [illegible].

[illegible] Why did [illegible] the [illegible]

[illegible] Yes [illegible]

[illegible] Yes [illegible]

[illegible]

MR. [illegible]: Yes, that is [illegible].

MR. [illegible]: Q. Did you ever [illegible] to do with the Kamala Club [illegible] you know it was [illegible], and [illegible]

A. No.

Q. Is [illegible] [illegible] in the [illegible] of [illegible]?

A. In [illegible], yes.

Q. And you know, I know [illegible], the [illegible] made the determination [illegible] [illegible] and [illegible] - you [illegible] [illegible] which were on [illegible]

A. I [illegible] [illegible] and I don't recall [illegible].

Q. Did you recall [illegible] [illegible] of [illegible]?

A. I did not have any [illegible] [illegible] in [illegible] - I don't know - I [illegible] [illegible]. I was [illegible] [illegible] [illegible] [illegible].

Q. Did you [illegible] [illegible] with the [illegible] [illegible] [illegible]?

A. Not with an investigation. Now, let us be clear on that.

Q. Placing an undercover man in the club?

A. Not placing an undercover man - an undercover man while there contacted me for money. On Inspector Tomlinson's instructions I did not place him there. I did not know he was there until he came to see me.

Q. But then, you knew he was there?

A. Yes.

Q. Well, were you also aware - at least after the trial and the conviction, that Feeley and McDermott were supposed to be behind this club?

A. I was not aware, and I had never heard that they were until the recent trials, and that is a fact. I never knew they were associated with Peterborough in any way.

Q. You told us that you knew Feeley and McDermott, to see, is that correct?

A. Yes.

Q. And you had known them for about five years, or so, I believe you said, to see?

A. It is probably that long since I first saw either of them.

Q. Where did you first see McDermott? How did you know him to see him?

A. I think I saw him in Peterborough first - I saw him once in Toronto.

Q. Toronto?

THE COMMISSIONER: Which was first, Peterborough or Toronto?

THE WITNESS: That is what I am trying to assemble in my mind. I saw him these two times, once when he was pointed out by Inspector Tomlinson - it must have been the first time, because I knew him when I saw him in Peterborough.

MR. MacKINNON: Where then? Where did you see him in Peterborough? Let us stick to Peterborough? Where did you see him - on the street?

A. No, I saw him on Lake Chemong in an airplane, that is not - -

MR. MacKINNON: Q. Is that near where your cottage is or was?

A. No, I don't have a cottage on Lake Chemong. The Commissioner at that time did.

Q. Mr. McNeill?

A. Yes.

Q. And was it at Commissioner McNeill's place that you met McDermott?

A. No, I did not meet him. I had been out there in the police boat on Chemong Lake and we went over to look at this airplane, and

CC/4

that is who it was, but I was not talking to him. That is who it was, I saw him.

Q. When was this?

A. Oh, probably 1957, or 1958.

Q. And did you meet him again, or see him again after that sight of him?

A. Well, I saw him here - - -

THE COMMISSIONER: No, no, before that?

THE WITNESS: Before that - - yes, I think I did, but I just cannot recall under what circumstances.

MR. MacKINNON: Has he ever been to your house?

A. No.

Q. Has he ever been to your cottage, or lodge you had in Algonquin Park?

A. No, he did not.

Q. Did you ever have any conversation with him either face to face, or over the telephone?

A. I could not say over the telephone- that would be possible over the telephone - but I never talked to McDermott.

Q. By possibly over the telephone, I mean a man you knew, who identified himself as Joseph McDermott on the telephone?

A. No, I never did.

Q. At no time have you spoken, to

your knowledge, to Joseph McDermott?

A. At no time have I discussed anything on the telephone, or in person, with Joseph McDermott.

Q. How about Vincent Feeley?

A. The same applies.

Q. When did you first see him - you say you knew him to see him, for some time?

A. I think the first and only time that I saw Feeley, he was in Peterborough and I saw him with Neil Harrington, who is a gambler there.

Q. Where was this, on the street?

A. Yes, it wason the street down near the City Hall.

Q. So these two realestate agents that came to see you, were not Feeley or McDermott?

A. No, certainly not, no.

Q. You would have recognized them?

A. That is right.

Q. Can you describe to me this aircraft that McDermott was flying, or piloting?

THE COMMISSIONER: Was he piloting it?

THE WITNESS: Yes, there was - they had flown in from Toronto.

MR. MacKINNON: Did you know who was with him?

THE WITNESS: Feeley was with him, but he was not there at the time.

Q. How did you know Feeley was with him?

A. I was told that.

Q. By Ron Horten?

THE COMMISSIONER: By whom?

THE WITNESS: Ron Horten.

THE COMMISSIONER: The gambler?

THE WITNESS: Yes.

MR. MacKINNON: Was this a later occasion he told you - was it?

THE WITNESS: He told me that that day we pulled our police boat in between the plane and the wharf, and McDermott was standing off aways, and he told me that that was McDermott.

THE COMMISSIONER: This gambler was there then, was he?

THE WITNESS: Which gambler?

THE COMMISSIONER: The man that you just mentioned.

THE WITNESS: That was his lodge on the lake that they had landed at.

MR. MacKINNON: Q. They had landed at the wharf that belonged to Horten?

A. Yes.

Q. And you went over there and Horten told you that Feeley had come with McDermott in the aircraft?

A. Yes.

Q. You knew McDermott at that time?

A. Yes, I asked him - Horton if it was McDermott, and he said it was.

Q. What time of the year was this?

A. I don't know, I can't exactly recall. It was - it would be summertime.

Q. And can you tell me - -

A. The plane was on floats.

Q. Pardon?

A. The plane was on floats.

Q. That is as close as you can come to a description of it?

A. No, no, it was a big plane, and an expensive plane, I don't know what make.

THE COMMISSIONER: You don't know what make?

THE WITNESS: I am not familiar with planes. It was a big plane.

MR. MacKINNON: Would you have made a diary entry of this?

A. No.

Q. You knew who Feeley and McDermott were by that time, didn't you?

A. I would not have made a diary entry, I had no particular interest in it at all.

Q No particular interest, and

yet these big-time gamblers are coming into your area, visiting with another gambler, you told us, and you had no particular interest?

A. No, I could not see where it conveyed any particular importance. The Anti-Gambling Squad were looking after these things. I did see him there, and I am convinced that that is the only time I saw him.

Q. Now, you mentioned Staff Sergeant Clark, who is now dead, did you discuss this brief with Sergeant Palmateer?

A. I don't recall if I did or not.

Q. Is it possible?

A. Yes, it is possible I did, but I don't recall that.

Q. Have you ever gone on hunting trips by aircraft?

A. No sir.

Q. Never?

A. No, sir.

Q. Do you know Mr. Rose here (indicating)?

A. I saw him today for the first time.

Q. You have never met him before?

A. No.

Q. Have you ever spoken to him on the telephone?

A. Not that I am aware of.

Q. Not identified as Mr.Rose?

A. Not identified as Mr.Rose, definitely not.

MR. ROSE: If my friend wants to adduce that evidence, I don't know if he is prepared to do so.

MR. MacKINNON: I am just asking questions, Mr. Rose. I am entitled to.

Q. Is Sergeant Palmateer still up in your district?

A. He is now Staff Sergeant.

Q. Staff Sergeant?

A. Yes

Q. Now when did you buy this (inaudible) property in 1957?

A. No, it was later than that, it would be November of 1960.

Q. And you mentioned that you were down in Mexico, do you own Mexican property as well?

A. No.

Q. That was just a vacation?

A. My daughter was going to University in Mexico City.

Q. Now, you have been asked about two telephone calls which were made from a number Feeley used to your telephone number, one on May the 13th, and one on May the 20th. - I am sorry, May the 19th. Now, from that same

number Corporal Shrubb was called, according to his statement, the very next day, on May the 20th, and the matter of raiding this Ramsay Club was discussed between Feeley and Shrubb, and Feeley advised Shrubb in the course of that conversation that they, the Anti-Gambling Squad, could

CC/5

get into the post office and put a screen in the downpipe from the toilet on the second floor and thus would catch the dice etc. Now, this was just the day after. There is a phone call listed to your number, and then in Sergeant Anderson's statement, Exhibit 103, of August the 12th,1958, he states, and I am reading to you from his statement made on that date,

"Inspector Stringer also mentioned
"the fact that the downstairs
"premises was a post office and
"that if we had any means of
"getting into the basement
"we could possibly take the
"connection off of the drain pipe
"and catch the dice etc., that
"would be flushed down the toilet."

Now I told you - - now, this particular bit of information did not appear in the brief so far as I can ascertain. Where did you get that information?

A. As I said before, every bit of

information that I gave to Anderson came to me from the person purported to be David Humphrey.

Q. How would you remember that bit above all others?

A. How do I remember when I was talking to you - - -

Q. No, how do you remember that bit about catching, and the dice being flushed down the toilet, and how to do it?

A. I don't know that I did.

Q. Well, Sergeant Anderson swears you did tell him this.

A. I expect I did if he swears I did. If he swears I did, I would be prepared to concede that I did.

Q. How would you remember that specifically?

A. Well, I tried to remember everything I was told, and repeated - - -

THE COMMISSIONER: Well, it is not in the brief, so we understand.

MR. MacKINNON: It is not in this nine-page brief.

THE WITNESS: I understand that.

Q. Which is fairly elaborate. You said you glanced through that?

A. I said everything that I repeated to Anderson, which in all probability includes what was told to me by Humphrey.

Q. Well, were you making notes of this conversation with Humphrey?

A. No, I did not make notes.

Q. And you made no diary entry?

A. I made no diary entry.

Q. And how soon after - - -

THE COMMISSIONER: Let me understand this. In your evidence I understood you to say that Humphrey had called you and said that he would be giving you a brief?

THE WITNESS: Yes.

THE COMMISSIONER: Yes. Did you ask him what was in the brief on that occasion?

THE WITNESS: Well, he told me - I did not ask him - but he told me what the contents in general of the brief would be, yes.

(Page 2625 follows)

THE COMMISSIONER: Q. How long did the conversation last?

A. Well, it was a lengthy phone call.

Q. To your house?

A. Yes.

Q. One evening?

A. Yes. It was a lengthy phone call. I may have made some scribbled notes at the time. I don't recall that I did, sir.

Q. How long would it last, that telephone call?

A. Probably ten minutes.

Q. In the course of that he summarized the contents of the brief, did he?

A. Oh no; he only said that it was concerning the raid they hoped to have pulled on the Ramsey Club in Niagara Falls. He didn't tell me all the details, many of the details that appeared in the brief.

Q. Perhaps it would clear the air a bit if you would tell us exactly what he did tell you?

A. Well, a lot of the conversation was concerning Shrubb.

Q. We will leave Shrubb out of it for the time being.

A. Concerning his desire that Shrubb not be included in the raid.

Q. I said we will leave him out of it for the time being. What else? Leave Shrubb out of the conversation. What else did Humphrey say to you? Give us all of it now.

A. My memory doesn't serve me that well, to say in detail. Most of these people have made notes at the time. I did not. When I am reminded of certain things through the evidence of others that was said at the time it brings it back to my memory.

Q. All right. Now, did he tell you anything about catching the dice in the down-pipe?

A. Well, I didn't recall that he did but, as I say, if Sgt. Anderson says I told him that, then I am convinced I did. I feel that Sgt. Anderson would be telling the truth. If he says I told him that at the time, my memory doesn't serve me well enough to say I did, but I am prepared to concede that I did, if Sgt. Anderson says that I did.

MR MACKINNON: Q. Well now, can we get the interval of time between that phone call from Humphrey and the phone call, actually the interview which you had with Sgt. Anderson, how many days elapsed?

A. Well, a short time. Probably -- would you repeat the question again, please?

Q. How much time elapsed between the phone call from Humphrey and when you actually sat down with Sgt. Anderson and discussed this brief?

A. Well, I thought about three days at the most.

Q. Three days?

A. Yes.

Q. So you didn't let this sit around on your desk then for any length of time?

A. No.

Q. Did Humphrey tell you at that time that the brief was prepared?

A. When he telephoned me?

Q. That's right.

A. He said he was sending part of the brief. It was my impression that it had been prepared, yes.

Q. I understood you to say, maybe I am wrong, that he would summarize the brief to you in that telephone conversation?

A. Well, in very brief detail because I had very little knowledge of what was in the brief until I received it.

Q. Did you lead Sgt. Anderson to believe -- now he has sworn that he had two meetings with you -- that the brief was prepared in between the first and the second meetings?

A. I cannot recall two meetings and therefore I am confused as to what length of time would have expired. Please keep in mind, I am not saying there was not two meetings because ---

Q. But why would you do it with two meetings if you already had the brief?

A. I can't understand that either.

Q. I certainly don't and I would like your explanation because Sgt. Anderson swears, and it is in his diary and it is in this Exhibit 103, that he was contacted by you on Tuesday, August 5th, 1958, and that you met at 5.30 P.M. at this restaurant and that at that time all you mentioned to him was the fact that two young lawyers from the City of Niagara Falls had dropped in to see you?

A. Yes.

Q. And mentioning the situation in the City of Niagara Falls?

A. Yes.

Q. Now, is that an accurate statement of what was said by you at that time?

A. Yes, it is accurate insofar as it goes. If there were two meetings ---

Q. Just listen. There is much more detail. He says, I will read this to

you:

"Inspector Stringer then mentioned
"about having a cabin or cabins in
"Algonquin and that two young
"lawyers from the city of Niagara
"Falls had dropped in to see him.
"Stringer thought that it was a
"little more than a coincidence that
"they were in the area and dropped
"in to see him. The names of the
"alleged lawyers were not revealed."

This is Anderson speaking.

A. Yes.

Q. (reading)

"One of the lawyers explained to
"him about a club operating in the
"city of Niagara Falls and which was
"causing him, the lawyer, some
"concern. He was quite anxious to do
"something about it and would assist
"in any way possible. I asked
"Inspector Stringer if this man
"would meet with me so we could
"talk it over and possibly make
"some arrangement. I said that
"I would meet him anywhere in
"Ontario or even in the United
"States. Stringer thought that
"possibly this could be arranged.
"I also told him that if the

"lawyer would take a man into the
"game - Stringer thought the lawyer had
"been in the premises -- I would
"arrange it so that the first man
"would take a second man into the
"game so that the lawyer would
"not become directly involved.
"Inspector Stringer thought this
"was a good idea and said that he
"would contact the lawyer in Niagara
"Falls and discuss it with him.
"I also asked him to find out who
"operated the game, how the gamewas
"operated, etc. The Inspector
"wrote the questions down on a piece
"of paper and said he would get
"busy at it as soon as possible and
"would telephone me between 8.30 A.M.
"and 9 A.M. on Wednesday, August
"16th."

A. Yes.

Q. Now, that is a pretty detailed memorandum, isn't it?

A. Yes, it is.

Q. Now, that is a true statement, is it not? Is your memory refreshed now?

A. I think that is a true statement.

Q. Now, why would you ---

THE COMMISSIONER: Q. Just a moment, Mr MacKinnon.

Have you that statement in your mind, Witness?

A. I think I have, yes.

Q. And is it a true statement?

A. I cannot say that it is not. I don't remember all those items in detail but I have no reason to contradict any of it.

Q. All right. Now then, in that statement you are alleged to have said that you would contact one of the lawyers in Niagara Falls?

A. (No audible answer).

MR MacKINNON: Q. That's right?

A. Yes.

Q. Who were you going to contact?

A. I expect I knew at the time but I don't know now.

Q. Oh, come now. You don't expect us to believe that, do you, Inspector?

A. Well ---

THE COMMISSIONER: Q. You told us earlier that you didn't know who those men were, that they didn't look like lawyers?

A. That's right.

Q. Now you are saying that you told Anderson that you would try to contact the lawyers. Now, which one of those two statements do you want me to accept?

A. Well, I did have the names at the time; I'm sure of that.

Q. What?

A. I did have the names at the time or one of the names at the time.

MR MACKINNON: Q. You have told us already today that you didn't believe they were lawyers?

A. That's right, I didn't, but I did have the name and address at the time.

Q. They were MacDermott and Feeley, were they?

A. No, they were not MacDermott and Feeley because they were in Niagara Falls.

Q. How do you know they were in Niagara Falls?

A. That is the address they gave me. You are suggesting that these two men might have been MacDermott and Feeley?

Q. That's right.

A. Positively not. Positively not.

THE COMMISSIONER: Q. What I am worried about frankly is this, you swore earlier that you didn't know their names ,you swore that you didn't think they were lawyers. Now, later you tell Anderson when you meet him, you say this is true, that you would get in touch with one of those lawyers?

A. Yes, sir. I was being asked

at ---

Q. Now, I cannot reconcile the two statements by you today?

A. I was being asked for the names at the time that I answered the question. I did not know their names. I am now being asked if I knew their names at the time and I say I must have if I told Anderson I was going to get in touch with them. I must have known them at the time.

Q. Then why did you tell me earlier that you didn't know?

A. Well, I didn't recall that I had taken their names.

Q. Well, did you take their names?

A. I don't recall.

Q. Let's get it one way or the other?

A. I don't recall that I did but in the light of Anderson's evidence I must have.

Q. Not necessarily.

A. I said I was prepared to concede that his evidence would be correct. He made a note of it at the time. I did not. My memory don't serve me that well, to know every detail of the conversation.

MR MACKINNON: Q Why were you going through all this rigmarole with Sgt. Anderson

when you say you already had the brief?

A. Did I say I had the brief at that time?

Q. That was my understanding of your evidence.

A. Of course I am confused since two meetings are being described. I don't remember.

THE COMMISSIONER: Q. Well, we will get it clear this way; when you called him up for the first time did you have the brief in your possession?

A. I don't recall that I did. I had talked to Humphrey at the time I talked to him, at the time I talked to Anderson, but the brief had not arrived. I did not have it.

Q. Oh, Witness, please. You made it just as clear as the sun of noon today, a little earlier, that you had the brief, that you telephoned Anderson and said you had confidential information, and you meant thereby the brief, and you wanted to talk to him about it?

A. Yes, because ——

Q. All right. Now let us get it clear.

A. Because ——

Q. No. Wait a minute. On the day you telephoned Anderson you had the brief in

your possession. Now, is that an established fact? You have said it is.

A. If there was two separate meetings and two separate phone calls, then that presents a different set of circumstances because I ---

Q. It doesn't make a particle of difference. If there were two telephone calls, there was a first and a second one?

A. Yes.

Q. If there was only one telephone call that is all there was but when you first contacted Anderson do you now say you had the brief in your possession?

A. Yes.

Q. Well, we have that clear?

A. Yes.

Q. And there is now no doubt about it?

A. There is no doubt about it beyond the fact that I do not recall two meetings.

Q. I don't care whether you recall two meetings or not. When you first got in touch with Anderson you had the brief in your possession. We have got that established, have we?

A. If I told him I had the brief, then I am completely satisfied that I did have it.

Q. I am asking you whether or not when you first called him you had the brief in your possession?

A. Well, I cannot recall a first and second call or a first and second meeting.

Q. Well, you only have a recollection of one meeting?

A. Yes.

Q. All right. Now then, when you got in touch with Anderson to arrange the meeting, then you had the brief in your possession?

A. I called him first from Peterborough.

Q. Did you have the brief in your possession?

A. Yes, I did.

Q. We have that clear now. You are not going to go back on that?

A. I have no intentions of going back on anything.

Q. All right; you are not going back on that in particular. Now, Anderson says that you met him and you didn't produce the brief. What you said to him was that you would get in touch with these lawyers, or one of them, that you had a meeting set up somewhere and you had to leave, and you told him you would call him the next day. The next day you called

Q. Is it anyone you recognize or the person you first called him you had the being in some [illegible]?

A. Well, I cannot recall a name but another just as I first saw Samuel [illegible].

Q. Did you only talk to [illegible] of one conversation?

A. Yes.

Q. Well right, and then, some you [illegible] conversation, other than that was taken in your conversation?

A. I talked him first from [illegible].

Q. Did you move the house to your [illegible]?

A. Yes, I do.

Q. Do know that place name now, [illegible] you just going to go back on [illegible]?

A. I have to [illegible] [illegible] [illegible] [illegible].

Q. Well right, you are not going back on [illegible]. Now, [illegible] that you had a very [illegible] [illegible]. Now you take in its and that [illegible] [illegible] to [illegible] with [illegible] [illegible], or [illegible] of time, that you had a [illegible] and [illegible] and you had to [illegible], and [illegible] [illegible] [illegible] [illegible] [illegible].

him and say that you couldn't keep an appointment with him, that you would meet him the following day, and it was the following day that you produced the brief?

A. None of that is clear to me. I cannot explain that in detail because it is not clear to me. I do not remember.

MR MACKINNON: Q. Did you go down by police car to these meetings or in your own car?

A. It could have been either. I don't remember. I would think ---

Q. This was police business, wasn't it?

A. I would think I had the police car.

Q. Do you keep garage records?

A. Yes.

Q. Wouldn't it show where the police car, where you were on August 5th and 7th?

A. Not necessarily. It might show and it might not.

Q. Why wouldn't it show if you were using it?

A. I don't answer everything in detail.

Q. Pardon?

A. I don't always answer those things in detail. Perhaps I am wrong about it

but I don't.

Q. But don't you show where you are going at least? Mileage has to be recorded, doesn't it?

A. Yes. I don't recall that I did show in my diary that I was in ---

Q. I am not talking about your diary, Witness. I am talking about the garage records for the car, for your police car. Don't you keep a record of that in the garage?

A. I don't.

Q. But didn't the garage?

A. Oh, we have an officer who does that.

Q. Yes. Wouldn't there be records for August of 1958?

A. Whatever records theyre are, he would have them, yes.

Q. Who is that officer?

A. MacKenzie.

Q. Well, if you used the police car it would show?

A. No, he wouldn't know.

Q. He wouldn't know whether you had gone to California or to Port Credit; is that what you are saying?

A. Well, I didn't go either to California or to Port Credit.

Q. Just answer my question,

Witness.

THE COMMISSIONER: He wouldn't know.

A. He wouldn't know.

MR MACKINNON: Q. And you say you made no entries at all about this police matter in your police diary?

A. No, I did not.

Q. Then what was the reason for that? You considered it a very important matter, you have been telling us, very important; you the head of the division going all the way down to Toronto. Why wouldn't you?

A. Well, I didn't because I have since checked.

Q. But why?

A. I don't know why.

Q. We will be seeing your diaries tomorrow but you presumably put what you are doing in your diary, don't you?

A. In most cases but you will be disappointed at the number that you will not see.

Q. But this was a very important matter. You have told us that. This is why you were urgent about it. This is why you took it under control. This is why you went yourself. Why would you not put that in your police diary?

A. I didn't put it in my police diary.

Q. Why?

THE COMMISSIONER: He doesn't know.

A. No, I don't know.

MR MACKINNON: Q. Are you sure you don't know?

A. No, I don't know.

Q. Well now, have we got this straight, that you agree that you told Sgt. Anderson after he had discussed the procedure that he would like to have followed with these lawyers that you would contact the lawyer in Niagara Falls and that you also wrote down the questions Sgt. Anderson raised on a piece of paper? Is that correct?

A. As I say, I don't remember the conversation.

Q. Do you remember writing questions down?

A. No, I don't.

Q. That is something a little different, isn't it?

A. No, I don't remember but I concede that it did happen.

Q. Well, if that happened why were you going through all this ritualistic dance with Sgt. Anderson when you already had the brief? This is what I would like to know?

A. Well, I certainly didn't have the brief there. I would have given it to him —

if there was two meetings

THE COMMISSIONER: Q. But you have just sworn several times, and you made it abundantly plain, that when you got in touch with Anderson you had the brief, and that was the confidential information you wanted to talk to him about?

A. Well. I had the brief, to the best of my recollection, when I first met him in Toronto. I cannot recall another meeting in Toronto.

Q. By "Toronto" you mean down on the Kingston Road at the restaurant?

A. Yes, sir.

MR MACKINNON: Q. Do you remember going into the restaurant and having your dinner there and you ~~made~~ paid for yours and Sgt. Anderson's dinner; do you remember that, Inspector?

A. Yes.

Q. You remember that much at least?

A. Yes.

Q. Now, this morning you told us you never went inside the restaurant, that you believed you were out in the car, but now you remember going in and having a meal; do you?

A. Oh now, that was not the impression I intended to create. I said the discussion

of the brief took place in the car sitting outside the restaurant.

THE COMMISSIONER:

Q. Before or after you ate?

A. After; I'm pretty sure. I am pretty sure the discussion of the brief took place after we had supper.

MR MACKINNON: Q. I suggest to you it was on the second trip that Sgt. Anderson has sworn to that you delivered the brief to him, namely on August 7th, 1958, and that on that occasion you didn't go into the restaurant at all, you sat out in the car; is that correct?

A. That could be. I don't recall that well.

THE COMMISSIONER: Q. Now, if that could be, then what I want to know is why you didn't give him the brief the first day?

A. I am completely at a loss. When you say there were two separate times, I don't recall two separate times.

MR MACKINNON: Q. That is one reason, I suppose, for keeping a police diary so you can recall where you have been and what you have done; is that correct?

A. Yes.

Q. Now, these two lawyers from Niagara Falls whom you advised Sgt. Anderson had dropped in on you, did you suggest to Sgt. Anderson that you knew these people?

A. That I had known them previously,

you mean?

Q. That you knew them, yes?

A. Oh no; I could not.

Q. Pardon?

A. No. I could not.

Q. Well, how did it happen that they would drop in to see you. Where were you at this time?

A. I was at my cottage in the Park.

Q. You weren't in uniform, I take it?

A. Oh no.

Q. Did they come up and knock on your door and ask for directions or something like that?

A. They stopped at the wharf. We were out in the yard.

Q. Who is we?

A. Well, the other members of my family, my wife and my son and daughter.

Q. What did they do; call to you?

A. No. They pulled up to the wharf and stopped there and sat in the boat.

Q. And where is your name on the property?

A. It is not on the property at all now but it was at that time.

Q. It would be at the front end of the property, wouldn't it?

A. Yes.

Q. Not on the wharf side?

A. Well, the wharf side is the front side of the property.

THE COMMISSIONER: Q. Is there a road into your cottage?

A. Yes, there is a road in but that is only recent. For years they came over by boat.

MR MACKINNON: Q. But in 1958 did you have your name on the wharf; is that what you are saying?

A. Not on the wharf; just a small picket there.

THE COMMISSIONER: Q. On the water side?

A. Facing the water.

MR MACKINNON: Q. And did they call to you?

A. They stoped there and I got up and went down and started talking to them.

Q. What was their excuse for stopping?

A. I would say that is very common; people wave, whether they know you or not; they stop in and see you, and such like. I didn't think there was anything unusual about that, about people stopping.

Q. They had no questions to ask you or anything; they just stopped and you went down to have this little discussion with them?

A. They seemed to know me. I thought they knew me and they stopped and talked as though they knew who I was all right.

Q. Did they say they had some information for you? I mean you say you had a very short conversation with them.

A. They didn't put it that way. In the course of a very short conversation they got around to talking about the club in Niagara Falls.

Q. What led into discussing about gambling clubs in Niagara Falls? Have you any connection with Niagara Falls yourself?

A. No, none whatsoever.

Q. No connection with the gambling squad, we have heard?

A. No.

Q. Well, what led into this particular subject matter then?

A. I don't know exactly what did. They just started talking about it. I didn't regard the thing as being particularly important really.

THE COMMISSIONER: Q. Now, as of that date had you ever met MacDermott or Feeley?

A. Yes, I think so, MacDermott.

What was that date?

MR MACKINNON: Q. Which date are you talking about?

THE COMMISSIONER: The one when the two lawyers called on him.

MR MACKINNON: Q. What date was that?

A. The only thing I can establish on that is that it was a short time before the receipt and delivery of the brief. Was that on August 7th?

Q. August 7th, according to Sgt. Anderson's sworn testimony.

A. Yes. Well, it would be a short time before that. I don't have any of these dates.

THE COMMISSIONER: Q. My question was: Had you known MacDermott or Feeley prior to that?

A. I don't think Feeley, that I had ever seen him, but MacDermott, yes.

MR MACKINNON: Q. Well now, in this discussion with these two lawyers from Niagara Falls, and you have described them to us, or with the person alleging himself to have been David Humphrey, was there any mention made of any member of the Legislature?

A. No.

Q. Was there any mention made of any cabinet minister?

A. No.

Q. You are sure of that?

A. You are speaking now of at Algonquin Park?

Q. At Algonquin Park or in Mr Humphrey's telephone call to you?

A. No, definitely not.

Q. Did any member of the Legislature ever discuss this brief with you?

A. No; definitely not.

Q. Did you ever discuss it with any member of the Legislature?

A. I did not.

Q. Did you discuss social clubs at all with any member of the Legislature at any time?

A. No, I did not.

Q. Did you telephone or write this lawyer from Niagara Falls?

A. No, I didn't.

Q. Why didn't you?

A. Well, I attempted to.

Q. How?

A. To phone, the information was incorrect. That is mostly why I thought there was something wrong.

Q. Where did you phone from?

A. From my home.

Q. Why did you telephone from your home?

A. From Peterborough.

Q. Are you talking about your personal home that you phoned from?

A. Yes.

Q. You didn't phone from the police office?

A. Oh, I often charge it -- I often phone from my home. I have it charged to the police office. But I attempted to contact this number, but I didn't get through. That was one of the reasons that gave me some doubt as to whether or not they were lawyers.

MR BREWIN: I am sure the witness is getting tired; I can hardly hear him, Mr Commissioner.

THE COMMISSIONER: Q. Are you getting tired?

A. I can continue, my lord.

Q. Well, it is pretty nearly five o'clock.

MR MACKINNON: Q. Do you wish to adjourn now? I would like to have the diaries, to have a look at them.

THE COMMISSIONER: Oh yes, you can bring them tomorrow, can't you?

A. Yes, I will.

THE COMMISSIONER: Is there anything else you want him to bring?

MR MACKINNON: Well, those five or six

diaries anyway, and the garage records for August, 1958, if they are available.

THE WITNESS: I can bring them but I can explain to you that they will not reveal anything like you are saying. It gives the number of miles each day.

MR MACKINNON: Q. Does they show who had the car out?

A. No. And they don't show where the car had gone. It shows only the number of miles, the gas and oil consumed and such like.

Q. They do not show who had the car?

A. No.

THE COMMISSIONER: He said before it didn't.

MR MACKINNON: I thought the regulations were, sir, that it would require that to be shown.

THE WITNESS: I will bring the report but I can assure you it doesn't show that information.

MR MACKINNON: Q. The regulations don't call for it to be shown?

A. That's right.

MR WILSON: Can he bring the late Staff Sergeant Clark's diary for 1958, Mr. Commissioner?

THE COMMISSIONER: Will you do that?

THE WITNESS: Yes.

THE COMMISSIONER: You better make a note of it so you won't forget it. Staff Sergeant Clark's diary for 1958.

A. I think his diary was turned in to Toronto, sir. I will check.

MR WILSON: Will you check that and we will check at this end.

THE COMMISSIONER: And you want his police diaries for what years?

MR MACKINNON: 1954, '55, '56,'57,'58, '59 and '60.

THE WITNESS: What is the first year, sir?

MR MACKINNON: Q. 1954.

A. Yes.

Q. To 1960?

A. Yes.

MR MACKINNON: Maybe, sir, if I can have a look at them we can expedite matters some.

THE COMMISSIONER: What time can you be heretomorrow?

A. Nine-thirty, sir, probably.

MR MACKINNON: I will be here by then and look at them before we resume. I will see them then if the witness has brought them.

THE WITNESS: Yes, I will bring them and be here at 9.30.

THE COMMISSIONER: Very well. We will adjourn now until ten o'clock tomorrow morning.

---Whereupon the Hearing adjourned at 5.00 P.M. until 10.00 A.M., Wednesday, Apr. 18, 1962.

IN THE SUPREME COURT OF ONTARIO

BETWEEN:

KENNETH H. BROWN and JAMES T. GOW, Trustees, on behalf of themselves and all other Shareholders of Beleggings-Societeit, N.V., and the said BELEGGINGS-SOCIETEIT, N.V., as represented by the said Kenneth H. Brown and James T. Gow,

Plaintiffs,

- and -

BELEGGINGS-SOCIETEIT, N.V., as represented by W.H.J. de Boer and J.C.W.M. Huijsmans,

Defendants.

TRANSCRIPT OF ARGUMENT ON APPEAL

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ROYAL COMMISSION ON CRIME IN ONTARIO

Wed., April 18, 1962,

Page 2652 - 2889

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Plaintiffs,

- and -

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Pages

Supreme Court Reporters
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INDEX OF WITNESSES

Witness	Page No.
JAMES ALLAN STRINGER (recalled)	
Examined by Mr. MacKinnon	2652
Examined by Mr. Erwin	2732
Examined by Mr. Wilson	2795
JOHN MILLS ARDGAVON (Recalled)	
Examined by Mr. Wilson	2810
CORPORAL W. J. SHNUER	
Examined by Mr. Wilson	[illegible]

- - - - - - - - - -

INDEX OF EXHIBITS

(Index continued).....

INDEX OF EXHIBITS (CONT'D)

Ex.No.	Description	Page No.
113	Ontario Provincial Police Report dated September 18, 1956, re matters discussed with Vincent Feeley, with Cpl. W.J. Shrubb between August 18th to September 20th 1956, being a copy of the report retained by Det. Anderson	2945

A/1/JM

WEDNESDAY, APRIL 18TH, 1962

---The Hearing reconvened at 10:00 a.m.

MR. BREWIN: I want at the opening to say to you sir, that owing to an event that was announced yesterday, that you had noticed in the newspapers, it is going to be difficult for me to be in constant attendance, so I have arranged for Mr. Ian Scott to assist me, so I will put that on the record. I will announce Mr. Ian Scott as an assistant.

THE COMMISSIONER: All right.

J. A. STRINGER, recalled:

THE COMMISSIONER: You are still under oath.

THE WITNESS: Yes, sir.

MR. MacKINNON: Witness, you were asked to produce your diaries from 1954 to 1960 inclusive, and you produced them this morning.

THE WITNESS: Yes, sir.

Q. And you have done so?

A. Yes, sir.

Q. Now, Mr. Commissioner, how do you wish these marked, individually?

THE COMMISSIONER: Are you putting them all in?

MR. MacKINNON: I think so. I have not had a chance, as you will imagine, to really look at them, and I think I would like to have them in.

THE COMMISSIONER: What period?

MR. MacKINNON: What is the earliest one, witness?

THE WITNESS: 1954.

THE COMMISSIONER: And then, are they a diary for each year up until when?

THE WITNESS: 1960.

THE COMMISSIONER: Diaries 1954 - - I suggest Mr. MacKinnon, unless you have a better suggestion, that those go in under Exhibit 109A,B,C,D - -

THE REPORTER: Excuse me sir, I cannot hear.

THE COMMISSIONER: I suggest that these diaries go in as Exhibit 109 A,B,C,D,E,F,and G.

---<u>EXHIBIT NO.109 A:</u> Diary of J.A.Stringer for 1954.

---EXHIBIT NO. 109B: Diary of J.A.Stringer for 1955

---EXHIBIT NO.109C: Diary of J.A.Stringer for 1956.

---EXHIBIT NO.109D: Diary of J.A.Stringer for 1957.

---EXHIBIT NO.109E: Diary of J.A.Stringer for 1958.

---EXHIBIT NO.109F: Diary of J.A.Stringer for 1959.

---EXHIBIT NO.109G: Diary of J.A.Stringer for 1960.

MR. WILSON: There is no name in the diaries, Mr. Commissioner, and I think in view of all the other diaries, it might be helpful if the name appeared in each.

THE COMMISSIONER: Well, someone can put in Mr. Stringer's name.

MR. MacKINNON: And Witness, so far as the year is concerned, on the front, I notice, of each diary inside the very front cover is a calendar with a year date on it. Now, is that the year of the diary itself?

A Yes sir, that is the year of the diary.

Q. Now turn to Diary for the year 1958, which will be Exhibit 109E, is that the 1958 Diary that you kept?

A. Yes sir, it is.

Q. Now is it correct that in that year you took your annual leave in February and March?

A. Yes, sir.

Q. So, if salesmen were coming to see you about real estate in Florida, in May of 1958, you had already been to Florida, and had completed your vacation, is that correct?

A. That is correct.

Q. So any contemplated purchase by you in Florida would not be for another year, is that correct?

A. It would not be correct in every case, there is two different - - -

Q. In that case?

A. I don't recall that particular incident, but on two different years I was down in Florida twice.

Q. Well now, you look at your 1958 diary, and tell me whether you were in Florida after the spring and summer of 1958?

A. No, I was not, not in 1958.

Q. Well, doesn't it seem strange to you then, that if the salesmen were at your place around the time phone calls were being made

Q. Now turn to going for the year 1929, which will be Exhibit 1024, as that was last heard when you were.

A. The city is ...

Q. Now is it correct that in each year you took your annual leave in February and March?

A. Yes, sir.

Q. Do, if anyone says anything to the you about that, that during 1929, you had already been to Florida, and had completed your vacation, is that correct?

A. That is correct.

Q. In any conversation, whenever you in Miami's could not be let another week, is that correct?

A. It would not be correct in every case, there is two different - - -

Q. In that case?

A. I don't recall what particular last month, but on two different years I was down in Florida twice.

Q. Well now, you look at your page diary, and tell me whether you were in Florida after the spring and summer of 1929?

A. No, I was not, not in 1929.

Q. Well, haven't it been different to you then, that if the witnesses were in your office about the time some calls were being made

to your number from the number used by Mr. Feeley, that they should be talking to you about buying property in Florida, when you knew yourself you would not be in Florida for some considerable time?

A. I have already explained that I had other people look at property as well as look after it myself.

Q. But you look at the property yourself before you buy it, do you not?

A. The house that I did purchase, I did not look at it, I did not see it until after I bought and paid for it, for two months.

Q. Who bought that house for you?

A. My cousin.

Q. Have you a cousin living in Florida?

A. Yes.

Q. What is his name?

A. Stringer.

Q. His first name?

A. Collie.

THE COMMISSIONER: Collie?

THE WITNESS: Yes, Collie, C-o-l-l-i-e.

MR. MacKINNON: And did you contact this Mr. Collie Stringer in West Palm Beach, after you had spoken to Mr. Joseph McDonald?

A. No, there were no properties in

West Palm Beach.

Q. That is what I am suggesting to you, that these people that you have described to us, this real estate agent, wasn't he discussing properties in an area which you knew would not be visited for many, many months, if at all, is that correct?

A. I have friends in Florida that could have visited any part of Florida, or look properties over.

Q. Or Georgia?

A. Not in Georgia, not without coming and going.

Q. You were discussing property in Georgia you said?

A. I was - -

Q. You were discussing property in Georgia with these men?

A. Yes, I was.

Q. You say you saw a card of this real estate agent, is that correct?

A. Yes.

Q. And did you ever check with the Toronto phone book to see if such a person existed which you have described to us?

A. No, I had no occasion to call him.

Q. Were you advised that there was at that time no Joseph C.McDonald?

A. I did not check at all.

Q. Registered as a realtor?

A. I did not check at all.

Q. Did anybody else advise you?

A. No.

Q. Now - - I am sorry, have you got that Exhibit 109?

THE COMMISSIONER: Which 109?

MR. MacKINNON: 109E. Then I notice on July the 30th, that you show that on July the 30th you were on an inspection trip to various places, and you show your dinner and supper expenses, is that correct?

A Yes.

Q. And that is your usual routine, is it not, to put down the expenses, or meals, when you are on police business outside your own area, isn't that correct?

A. That is correct.

Q. Now, you also told us that when you saw Sergeant Anderson, which you advised us you felt was on police business, you paid for his supper or dinner, whichever you like to call it, but in looking in your book for August the 5th or August the 7th, or August the 6th, or whatever date you like to pick, I see no entry for that meal, why was that?

A. That is correct, I paid for it, myself.

Q Why? Why were you making this donation to these people, whom you say you were becoming suspicious of, namely the people who were promoting this brief?

A. I did not associate that in any way with having paid for Sergeant Anderson's supper, or certainly Sergeant Anderson would not be the only one whose supper I might have paid for.

Q I am sure it is not, on social occasions and on non-business occasions, but I notice this diary, and I have only had an opportunity of looking at one very closely, that is loaded with dinners and suppers and expenses, why would you miss this occasion? I have just given you one a few days ahead?

A. Yes.

Q. Why would you miss this occasion?

A. I am thinking of the expression "loaded" with expenses, I find - - -

Q. I am talking about dinner and supper expenses?

A Yes, at the time of inspection.

Q. Yes, when you were out of your own city it appears?

A Yes.

Q. And you were out of your own

city, you were out of your own district even, weren't you?

A. Yes, I did not charge it.

Q. But why didn't you charge it?

A. Well I cannot account for why I didn't. It often occurs, I know that.

Q Even when you are on police business?

A. Even when I am on police business, yes. I have paid for my own breakfasts even the other day, in this city, during this inquiry, and I am not charging it, and I cannot charge it.

Q. You could have charged this supper?

A. Probably could.

Q. We are talking about August the 5th, if you are correct that you were carrying out your police duties in going to Toronto in a police car presumably, and the gas would be charged to the Police, would it not?

A If I used the police car it would be, yes.

Q. There would be no reason for you not to use the police car on this occasion?

A. No, I think not. I think I did use it.

Q. Could you at this time give me any explanation as to why this particular meal is

state, you mean that it just was natural event, naturally just.

A. That I did not notice it.

Q. Did you actually witnessed the

A. Well I noticed Buick just

the I didn't. It after accident, I came that.

Q. Then what did you do after

Commission?

A. Then when I go on police

conclusion, yes. I have paid for my own automobile

even the other guy, in that city, continues this

Insurance, and I am not convicted 19, and I pressed

charge 20.

Q. You could have avoided this

accident.

A. Personal injury.

Q. No one talking about Aquado

the 27th, if you are correct, that you have made multiple

and your police duties in going to Ignacio in

a police car (Commission), and the gun would be

assigned to the Police, would it make

sense.

A. If I need the police car is

still my, yes.

Q. There would be no reason for

you to drive the police car on this occasion?

A. No, I think not. I think I

did use it.

Q. Could you at this time give me

any explanation as to why this particular case is

not entered inyour diary?

A. No.

Q. I also note that when you are out of Peterborough youmake a notation of that fact in your diary, isn't that correct?

A. At the time of inspections?

Q. At the time of inspections or, I notice you have got here not very long after this August the 5th episode, "September the 18th duty locally in Peterborough attend Lindsay Fair in evening, dinner $1.00". That was not an inspection trip, it was on business,wasn't it?

A. Yes, it was business.

Q. But all I can find for August the 5th, and August the 7th, the two days when Constable Anderson swears you were in Toronto, and you say you are not going to disagree with him, all I can find is beside August the 5th, "Duty locally". August the 7th, which is Thursday, "Duty locally". That wasn't correct, was it, in its entirety?

A. I was in Toronto on both those days, I believe that is true.

THE COMMISSIONER: How often do you enter your diary and make entries in your diary, daily?

THE WITNESS: Usually daily, but not in every case. I, like others, often get behind.

MR. MacKINNON: You have a radio office,

do you not?

A. Yes sir.

Q. And you have to log when you go, do you not?

A. I don't.

Q. Aren't you supposed to - don't the regulations apply to you?

A. Oh, yes, you say I must log out, we do always log out, and I don't always log out.

Q. Would you have logged out on this occasion?

A. I might, and I might not have.

Q. Those logs would still be available?

A. Yes.

Q. I wonder, Mr. Commissioner - - -

THE COMMISSIONER: What do you mean by log?

THE WITNESS: Well - - - -

MR. MacKINNON: You advise the Commissioner.

THE WITNESS: Yes. The usual thing with the men, they call into the radio set that they are on Highway 7 or whatever highway they are going to patrol, and that is logged in a radio log book by the radio operator, and those records are available, and I can tell you now they will not reveal very much where my car is

do you mean?

A. Not at.

Q. Was you have to let, sorry you

you do you mean?

A. I don't.

Q. Aren't you supposed to - don't

the remuneration apply to you?

A. Oh, yes, you say I must low

out, as to always lay out, and I don't always

lay out.

Q. Where you have lunch and

on your journey?

A. I lunch, but I rarely eat lunch.

Q. Where lunch would be

available?

A. Yes.

Q. I mean, Mr. Chairman - -

MR CHAIRMAN: Just as you feel be

best.

MR COMMON: Will - - -

Mr. MARTIGAN: You advise the

commissioner.

THE CHAIRMAN: Yes. The usual option

being the man, they call into the radio one hour

long one on Friday I do believe listening for

are going to period, and then we longed in a radio

one hour on the daily-working out hours.

Therefore, Mr Martigan, as I am still you

now will our normal case now where we are in

concerned, because I am not in the habit of logging out, or in whether I should or not.

Q. Well, why shouldn't you, there is no question about that, is there?

A. There is no question about that, if you are going out on inspection, or on a confidential investigation, as a rule it would not be good practice to put it in the log.

Q. Just to say you were going to Toronto?

A. Well, I knew I didn't log out. Even when I am coming up here today, I have not logged out.

Q. You are in a police car?

A. Yes, I am in a police car, and I have not logged out.

Q So you can pretty well assure us that you did not log out on August the 7th?

A. Yes, I can say quite definitely that I did not log out on any occasion coming to Toronto, not even attending a conference at the Commissioner's request, that I was coming

A/3 up here.

Q Everyone in the office would know where you were going on such occasions, when you are going to a conference - I see you have conferences listed right in your diary?

A. Yes, they would be likely to know.

conducted, because I am used to the habit of
stopping only, or in another I should be not.

Q. Well, you remember I put, there
is no question about that, is there?

A. There is no question about
that, if you are going out on Connecticut, or
on a commercial travel, or, as a rule is
used, you be going backwards to park it in the rear.

Q. What is the rule being in
Maryland?

A. Well, I know I didn't say that,
that was I is trying to know Jones. I may say
I know not.

Q. Are you in a position now?

A. Yes, I am in a position now, and
I have the Luggett one.

Q. If you was driving well enough
on that you did not you let out on August the 7th?

A. Yes, I can say quite positively
that I did not let out on any occasion coming in
Laurel, not even excepting a conference on
the Connecticut in reverse, that I was coming
up here.

Q. Everyone in the office knows
that when you going backwards, you
are going to a conference - I ask you have
conference issue right in your hand?

A. Yes, that would be Judge in
order.

Q. You mentioned yesterday that you saw an aircraft which was piloted apparently by McDermott, in which you were advised Peeley was a passenger. Now, I suggest to you that that was in the late summer of 1958, isn't that correct?

A It could have been, yes.

Q. Yes, and with whom did you say you were on that occasion?

A With whom?

Q. Yes.

A. I didn't say I was with anybody.

Q. You mentioned a police launch, and Mr. McNeill, I thought - - -

A. No.

THE COMMISSIONER: No.

THE WITNESS: No, I am sorry, I said that Commissioner McNeill lived on that lake, and that I had been out at his place.

MR. MacKINNON: Who had the police launch?

THE WITNESS: I did.

Q. And who was driving it?

A. I was.

Q. And who was with you?

A. No one.

Q. And what were you doing on this occasion - was this a social visit?

A. Yes, I was out to the Commissioner

cottage. I quite frequently take the boat myself and go out.

Q. This is for social visits, you are telling us?

A. Not in every case, but in some cases, yes.

Q. But so far as this occasion is concerned, this was a social visit?

A. Yes, as I remember it, it was, yes.

Q. Then - - -

THE COMMISSIONER: You did mention the name of some man from Peterborough?

THE WITNESS: Whose cottage it was - - Ron Horton?

THE COMMISSIONER: Yes.

THE WITNESS: Yes.

MR. MacKINNON: Now I notice an entry for July the 24th, 1958, and it reads:

"Inspect Lindsay Detachment also "with acting Commissioner W.H.C. "Clark re building at Haliburton".

THE COMMISSIONER: What date is that?

MR. MacKINNON: July the 24th, 1958.

THE WITNESS: Yes.

MR. MacKINNON: So I suggest to you that at that time you certainly knew thatthe Commissioner McNeill was on sick leave, and that within a week of that date indeed, acting

Commissioner Clark had been appointed Commissioner?

A. Yes.

Q. You knew that?

A. Yes.

Q. But you did not report this incident to him at any time - this incident of the brief?

A. No, I never did.

Q. And according to Exhibit 60, Commissioner McNeill went on sick leave, on or about May the 8th 1958, and Commissioner Clark - the new Commissioner Clark, became acting-Commissioner on May the 8th, 1958?

A. Yes, that is likely, so I don't - - -

Q. Now, I want you to be perfectly clear about this, do you swear that you advised Sergeant Anderson when you handed him the brief, or during your discussion with him about this brief, that David Humphrey had sent it to you?

A. Yes, to the best of my recollection, I did.

Q. There is no equivocation about this, you realize that Sergeant Anderson has sworn that you never mentioned David Humphrey's name, in connection with this brief, you appreciate that?

A. I appreciate that, yes.

Q. All right. Now, I want your

oath?

A. If he says I didn't, then I expect I must be wrong. I did not make a note of these things.

Q. Well then, this just completely throws out your whole explanation, doesn't it, about your getting suspicious because of Sergeant Anderson's reaction, and then you gave us that in great detail?

A. I feel certainly that I told him. I feel that I did.

Q. Are you prepared to swear you did - - that is what I am getting at.

A. There are a lot of things I would not be prepared to swear on, five, six or seven years ago. My memory does not serve me that well.

Q. You seem pretty clear on a number of things.

A. To the best of my recollection I did tell him, but if he swears that I did not tell him, then there would be a question in my mind as to whether I did or not.

Q. And if you did not tell him, you were then really following out Humphrey's instructions?

A. I certainly know - - -

Q. Is that correct?

A. Yes, that would be correct.

A. If he says I didn't, then I cannot I same he wrong. I did not make a note of those things.

Q. Well then, with just regard to matters not your main examination, concerning it, about your qualifying examinations because of Dunsmore's evidence, DO YOU SAY to the jury on your oath?

A. I feel confident that I took the [illegible] I feel that I did.

Q. Are you prepared to swear you did - - that is what I am putting at.

A. Therefore a lot of things I would have to prepared to answer on, Sir, with my own power but. My memory fluctuates but have to the utmost.

Q. Do also quite clear that he is answer of things.

A. In the case of my recollection I am well sure, but if he means that I did not call him, then there would be a question in my mind as to whether I did or not.

Q. And if you did not call him you were then really following the Dunsmore's instructions.

A. I understand from - - -

Q. Is that correct?

A. Yes, that would be correct.

I certainly know that towards the end of the interview I had intended telling him. Now, whether I did or not, he would be more likely to know - he would be very likely to know more so than I would, but I intended telling him.

THE COMMISSIONER: When?

THE WITNESS: Towards the end of the interview I had - I had not intended telling him until the end of the interview.

MR. MacKINNON: How can you be so clear about that when you are so vague on other aspects?

A. I thought I was clear on it - I thought I had told him, but when you tell me he has sworn that I didn't tell him, then there is a doubt in my mind. I felt certain that I had told him. And I assure you that until you mentioned it to me about his having supper - about us having supper together, and we paying for it, I did not remember a single thing about the supper - about paying for it, or anything else. And, I know it is true, because I believe Anderson.

Q. Well, so do I. We are agreed in that respect.

A. Yes, we do.

Q. Now, do you remember sending down for the brief, Mr. Wilson asked you about you sending Corporal Rawlings - was it - down

I unknowingly knew that's knowing you and of the
[illegible] X and [illegible] [illegible]. Now,
whatever I did or not, he would be more likely to
[illegible] - he would be very likely to have more or
less X woman, but X interrupted telling him.

THE CONVERSATION. Memory

THE ATTORNEY. Yesterday you had of the
[illegible] I had - I had not [illegible] telling him
[illegible] in the [illegible].

Q. Questions. Did you ever go on
[illegible] [illegible] when you [illegible] [illegible]
[illegible]?

A. I thought I was clear on it -
I [illegible] I had [illegible] [illegible] [illegible] 1917 on
no one knows that I didn't [illegible] [illegible], then [illegible]
in a [illegible] in my mind. I felt [illegible] that I
had [illegible] him. And I [illegible] [illegible] [illegible]
[illegible] if [illegible] [illegible] having [illegible] -
[illegible] [illegible] [illegible], and [illegible]
[illegible] it, I did not [illegible] a [illegible] [illegible] about
[illegible] - [illegible] [illegible] [illegible], [illegible]
[illegible], I [illegible] it [illegible], [illegible] X [illegible]
[illegible].

Q. Well, [illegible] [illegible] [illegible]
[illegible]?

A. Yes, [illegible].

Q. [illegible], [illegible] [illegible] [illegible]
[illegible] for [illegible] [illegible], [illegible] [illegible] [illegible]
[illegible] - [illegible]

for this brief?

A. He wasn't sent down for the brief, if you are putting it that way, he was going down anyway, and I asked him to call - - and I asked him to call and see that Anderson get the brief.

Q. And your explanation was, I believe, that you thought it would be a good document to have for instructing Constables, is that right?

A. Yes, it contained a lot of information.

Q You said certain parts of the brief - I have here the brief, which is Exhibit 102. You tell me what you wanted out of that brief, that you felt would be helpful to your constables?

A. It will practically all be helpful in the preparation of cases to know what to look for, and to know what was evidence.

Q Did you have a large gaming establishment in Peterborough in February of 1959, that you were interested in?

A. No.

Q Do you lecture on gaming establishments?

A. No, but I am respensible for the general training of the men together with the other senior officers.

Has this driver?

A. He wasn't even down for the brief; it was the passenger in that car, Mr Gonsalves, and I moved him to only -- and I moved him to only one item pertaining to the brief.

Q. But your testimony that, I mean, that you thought it would be in good condition to have that interesting discussion, is mere rubbish?

A. That's inconsistent in fact of [illegible].

Q. Did anybody ever say to you, "Look, Mr Gonsalves, I don't want you to look at this brief, because it's a very confidential matter"?

A. It will probably all be material in the prosecution of someone to look what to look for, and to have much use [illegible].

Q. Did you have a [illegible] establishment in Portsmouth in January of 1973, that you were interested in?

A. No.

Q. Do you recall an [illegible] establishment?

A. Yes, but I do remember the general [illegible] of the [illegible].

Q. The Anti-Gambling Squad would be doing this work, wouldn't they?

A. The Anti-Gambling Squad would be doing it, but we would like our men to have reasonable knowledge of it.

Q. Why didn't you make copies of this brief at the time you got it, if you considered it helpful?

A. Well, I have already stated that that was the only portion that I wanted of it, and I did not make copies of it, but I would like to have.

Q. And do you suggest that your corporal was instructed to ask for a copy and not the original?

A. Oh no, I suggested that he was told to pick up the brief, if it had served its purpose, and if it had not served its purpose, that I would like a copy ofthose parts which were of police value - - -

Q. Did you tell him what parts were of police value?

A. No, I didn't, no. I could not tell you now, either.

Q. If those were your instructions, why didn't he bring back a photostatic copy?

A. I don't think thatthe corporal was in there more than a few minutes, but I did not indicate to him that it was of any importance, and as far as I was concerned, it was

not of particular importance.

Q. Well, I am interested in what made you think of it, in February, I believe it was, of 1959 - what put your mind on to the brief at that time?

A. I don't think anything particularly. He was going up there.

Q. You have men going up weekly, don't you?

A. Not weekly, but frequently.

Q. But you can't tell me why you thought of it on this particular occasion?

A. No, not in particular.

Q. Did anyone advise you, or suggest to you that you should get it back?

A. No.

Q. You are swearing to that?

A. I am swearing to that.

Q. There is no doubt about that part of your evidence?

A. There is no doubt about that, and I have no other interest in having it returned, to have it valued as a police document.

Q. Did you attend the funeral of the Staff Inspector, Staff Inspector Wilkinson, in the summer of 1958?

A. Yes.

Q. Did you take Constable Desormeau down with you?

ness of performance injunction.

Q. Well, I am interested in what

about your trip of 1?, in February, I believe it was,

of 1949 - when you went out to the burial

at that time?

A. I don't think anything

particular. He was going up there.

Q. You knew was going up exactly,

shall you?

A. Not exactly, not definitely.

Q. Now you don't tell me why

you thought of it on this particular occasion?

A. Oh, not ... particularly.

Q. Did anyone advise you, or

suggest to you that you should get in touch

A. No.

Q. You are testifying to that?

A. I am testifying to that.

Q. There is no doubt about that

part of your testimony?

A. There is no doubt about that,

and I have no other interest in having it

recorded, as there is values as a police occurrence.

Q. Did you attend the funeral

of Sgt. Larry Sampson, Larry Sampson attended,

in his summer of 1949.

A. Yes.

Q. Did you know Sampson

personally prior to that?

A. I usually take a constable - I do not recall that I took Constable Descrneau.

Q. Could it have been Constable Descrneau?

A. Yes, it could.

Q. And Constable Descrneau was to bring back a new cruiser with him, was he? Do you remember that?

A. No, I don't remember that, but that would be likely to happen.

Q. And didn't you tell Constable Descrneau that you wanted to stop at Sergeant Anderson's house, and that you let Descrneau out in the Sunnyside area? Could that be true?

A. That could be true, but I cannot remember Descrneau even coming with me, but he probably did.

Q. And if he said that you wished to see Sergeant Anderson at his house, would kthat have been true?

A. No. I have never been at Sergeant Anderson's house.

Q. Would such a statement have been true or false, if you made it?

A. It would not be true, if I made it.

Q. And it is quite possible that you did make it, is it?

A. I would say that I did not make it.

A. I usually take a convenient - I do not recall that I have conversed [illegible].

Q. [illegible] I have been [illegible]

Commissioner

A. Yes, in court.

Q. And conducting [illegible] in [illegible] in your testimony this morning?

A. No, I don't remember that, but that would be likely to happen.

Q. Do you [illegible] [illegible] that you [illegible] be alone in [illegible] mortgagee's house, and that you had [illegible] in the [illegible] area. Could that be true?

A. That could be true, but I [illegible] [illegible] [illegible] [illegible] but be purely [illegible].

Q. And if he said that you visited to see [illegible] mortgagee at his house, would [illegible] have been true?

A. No. I have never been to [illegible] mortgagee's house.

Q. Would such a statement have been true or false, if you made it?

A. It would not be true, if I made it.

Q. Would you say that you did make it, in 1?

A. I could not tell [illegible] [illegible]

Q. Are you swearing to that?

A. It is impossible to say - -

Q. Oh come, Witness - - -

THE COMMISSIONER: Let him finish.

THE WITNESS: It is impossible for me to say that I did, or did not say it, but I would say at this time it would be most unusual if I made such a statement to Desorneau, because he was almost constantly under the gun from the time he came to our Department, until he left.

Q. Let us not be interested in being under the gun, I am interested in your statements.

A. Well, I say to the best of my recollection, I would not have made such a statement, or any such statement to Desorneau.

Q. But you are not willing to swear to that?

A. I am certainly willing to swear that I did not make such a statement because - - -

Q. Well if you did, what would be your reason for lying to Desorneau?

A. I would not have to account for my actions.

Q. Could you account to me, Witness?

A. Pardon?

Q. I am asking you to account what

would be your reason?

A. I am prepared to do that, I would like to explain that I would not owe an explanation to Constable Desorneau.

Q. I am not asking for that.

A. And therefore, I think it is highly improbable that I did say it.

Q. We are coming the full circle again, aren't we, Witness. You are not prepared to swear that you did not, and accordingly I am asking you then, if he did make such a statement, and it was false, what would be your reason for doing so?

THE COMMISSIONER: Just a moment. Why don't you put it on that assumption, that he did make the statement.

MR. MacKINNON: That is the assumption I am going on, sir.

THE COMMISSIONER: Put it that way.

MR. MacKINNON: You made this statement, on the assumption that you made this statement to Constable Desorneau, what would be your reason for making such a false statement?

A. I could not give you any indication at all why I would make that statement, or any other statement, to Constable Desorneau.

THE COMMISSIONER: Excuse me. What date is this?

MR. MacKINNON: This is either in

July or early August, sir, of 1958.

THE COMMISSIONER: Just a minute.

MR. MacKINNON: We can find out when the funeral was, I am sure, of Staff Inspector Wilkinson.

THE COMMISSIONER: Was that funeral in Toronto?

THE WITNESS: Yes sir, it was in Toronto.

THE COMMISSIONER: And did you have Constable Desorneau, - is it?

MR. MacKINNON: Yes.

THE COMMISSIONER: How do you spell it?

THE WITNESS: Sir, it is spelled D-e-s-o-r-n-e-a-u.

MR. MacKINNON: Thank you.

THE COMMISSIONER: Did you have him with you?

THE WITNESS: I don't recall.

THE COMMISSIONER: You don't recall?

THE WITNESS: No, I don't recall Desorneau coming up to Toronto with me, but if, as was stated, he came up to get the car, he may have.

THE COMMISSIONER: Desorneau - D-e-s-o-r-n-e-a-u?

MR. MacKINNON: Yes, my lord, it is D-e-s-o-r-n-e-a-u.

THE COMMISSIONER: You don't recall

whether he came to Toronto with you at all, or not?

THE WITNESS: No, I don't.

THE COMMISSIONER: Speak up, please.

THE WITNESS: No.

MR. MacKINNON: I am advised it was Cruiser No.832, that Constable Desorneau brought back from Toronto, that day?

A. A new car.

Q. Yes.

A. Yes.

Q. Does that help you any?

A. No, it does not help any, but it is a car that would be issued about that time.

Q. Constable Desorneau was your secretary's husband, wasn't he? The Mrs. Desorneau we have heard about yesterday?

A. Yes.

Q. And do you remember dropping Desorneau off in the Sunnyside area, so that he took a street car tothe Ontario Provincial Police headquarters?

A. No, I don't remember that, but he probably did.

Q. And - - -

THE COMMISSIONER: I cannot quite follow you. You do not remember, but he did probably did. Why do you say he probably did?

THE WITNESS: I am not trying to evade

anything, I just simply don't remember if Desormeau came up with me, but when you suggest he did - - -

THE COMMISSIONER: You mean that was entirely possible?

THE WITNESS: Yes, it was quite possible, my lord, yes, quite possible. If I were coming to Toronto and there was a car to be returned, I would not necessary ask for any particular man. I might say to the Sergeant, "Have a man drive me to Toronto". There would be no particular reason why I would pick anyone in particular.

MR. MacKINNON: Did you ever meet Frank Gardner, commonly known as "Curly Gardner"?

A. I met him here.

Q. You have never met him before?

A. No.

Q. You had never spoken to him before?

A. No, and I have never set eyes on him before, but I was talking to him out there for half an hour, or more, at this inquiry.

Q. Did you discuss mutual friends in Algonquin Park?

A. No, we never discussed anything to do with this inquiry.

Q. Well, why would that have anything to do with this inquiry?

A. Well, I don't know any reason it would have anything to do with the inquiry, but the subject I discussed with Gardner out there, or rather that he talked to me about, was his record of service overseas in the first war, that is what he was talking about, and that is all he was talking about.

Q. He had never been up to your lodge, that you own in Algonquin Park?

A. No, he has not, not to my knowledge, never. I never set eyes on him until here.

Q. Well then, you knew he was from Windsor, I take it?

A. I knew it later. I just certainly did not know when I was talking with him.

THE COMMISSIONER: When you were talking with him here?

THE WITNESS: Yes.

THE COMMISSIONER: Yes?

THE WITNESS: When I was talking with him here in the corridor.

MR. MacKINNON: Now, I would like to turn to Windsor, and Sergeant Hatch, as he was in 1957, and I am coming to the period of time shortly after a Provincial Social Charter was issued to the Roseland Veterans Club, which was situated in Windsor. Now, isn't it a fact that

sometime during the last few weeks of July, 1957, you telephonedSergeant Hatch?

THE WITNESS: I don't know about the date I did telephone Sergeant Hatch.

Q. And did you - -

THE COMMISSIONER: Where?

MR. MacKINNON: Yes, where were you, when you telephoned, Peterborough?

A. I expect so, I am not that certain.

Q. And you called him, he was in Windsor, is that correct?

A. In Essex, I believe.

THE COMMISSIONER: Just a moment. Yes?

MR. MacKINNON: And did you advise him?

THE COMMISSIONER: Can you fix the date?

THE WITNESS: No, I could not.

THE COMMISSIONER: The year?

MR. MacKINNON: I have suggested the last two weeks in July, 1957.

A. That would likely be it.

Q. And you stated that you had heard that Hatch's district inspector was trying to get a transfer to Perth as Inspector Cousins there was retiring. Do you remember saying that?

A. I don't remember saying it, but I remember it being said by others, and I - - -

Q. Well, maybe I will go on a little

further, it may help to refresh your memory, you also stated that you could get the Perth district, but that you would not consider it unless the headquarters were moved to Ottawa and the lower section of the Perth district taken over by the Cornwall district. Do you remember that?

A. Yes.

Q. That would come from you?

A. Yes, I remember that statement.

Q. And then did you not ask Match when he would be down East, as youwanted to see him, and that you would like him to work for you in your district, is that correct?

A. Yes.

Q. And this phone call was on your own initiative, was it?

A. There was more than one phone call - - -

Q. I am talking about the first phone call you made to him.

A. Yes, I definitely made a phone call to him. It was not the first that we had discussed transfers, or working together, but it was the first that I recall while he was a Sergeant, or he was in Windsor, or in Essex, pardon me.

Q. What made you phone him on that

occasion, and ask him when he would be east?

A. Well, he often came - - -

Q. What made you phone him on that occasion, and ask him when he would be east?

A. Well, perhaps I wanted to see him and discuss his coming to my district.

Q. Why did you want to see him at that time, what put it in your mind?

A. Well, I don't think anything in particular.

Q. You already had a staff Sergeant, and a Sergeant, did you not?

A Yes.

Q. Weren't you satisfied with them - Staff Sergeant Clark, did you tell us, and Sergeant Palmateer?

A. Yes, and Traffic Sergeant Kirkby.

Q. Why were you going after Hatch, with all the hundreds of Sergeants?

A. I did not think I was going after Hatch, we had discussed his coming to my district on more than one occasion previously. I do not believe that Hatch seriously felt that way about it either.

Q. Well we will hear Sergeant Hatch and we will find out what he has to say about it.

A. He was quite sincere about

wanting to come.

Q. In any event, on August the 1st, Hatch telephoned you, stating he would be in Toronto on the next day, do you remember that?

A. I remember him telephoning me that he would be in Toronto the next day, and I met him.

Q. And to arrange to meet him, once again at the St. Regis Hotel?

A. Yes, that is right, that is where we met.

Q. And is thigh place where you stay when you are in Toronto and use as headquarters?

A. I did, at that time.

THE COMMISSIONER: Is that August the 1st?

THE WITNESS: August the 1st is the phone call, because August the 2nd is the date of the meeting.

MR. MacKINNON: Did you have a Constable Cresswell, or some such similar name, in your division at that time?

A. Yes, I did.

Q. Do you remember after you met Hatch, going into the lounge, and sitting at the bar, and discussing what you would like Hatch to do? Do you remember discussing matters in the bar with him?

A. With - - -?

THE COMMISSIONER: With Hatch.

THE WITNESS: Yes.

MR. MacKINNON: All right, and did you not tell him that you wanted him to work for you, and that everything could be arranged with the Commissioner?

THE WITNESS: Oh no, no.

MR. MacKINNON: Do you swear you did not say that?

A. I swear I did not say that.

Q. Well, I have finally got something affirmative from you, with no equivocation.

THE WITNESS: That I could arrange it with the Commissioner?

MR. MacKINNON: Let us put it to you, so that you will be in no doubt. You stated you would like to have Hatch work for you, and everything could be arranged with the Commissioner?

THE WITNESS: That would not be possible.

THE COMMISSIONER: Did you say that to him?

THE WITNESS: No, I did not say that to him.

THE COMMISSIONER: There is no doubt about that answer - - you did not say that to him?

THE WITNESS: Hatch?

THE COMMISSIONER: Did you say that to him - that is a question?

THE WITNESS: I did not say it to him. To the best of my recollection, if I - - if I said such a thing, Hatch would not know that it would not be possible for me to make such a statement. I have no way of knowing whether it is agreeable to the Commissioner or not.

MR. MacKINNON: Hatch swears that you did say this to him. Are you prepared to deny it under oath?

THE WITNESS: Yes.

MR. MacKINNON: All right, that is fine.

A. That would be a very unreasonable statement to make, sir.

Q. Unreasonable statement by whom?

A. By me, very unreasonable.

Q. All I am interested in, there is no doubt in your mind you did not say that, and you are swearing that?

A. I swear that I did not arrange it. I might have said I would try, but that is a different story.

(Page 2690 follows)

T/1/AJ

THE WITNESS: I did not say I could arrange it. I might have said I would try, but that would be a different story.

MR. MacKINNON: Q. All I am saying to you, is you said everything could be arranged with the Commissioner.

A. No.

Q. And Exhibit 1030, this is your diary for 1957. Is that correct?

A. Yes.

Q. Now, on August the 2nd, which is the date which we are advised Hatch met you, in Toronto, it says for that: "duty, locally," is that correct?

A. Yes.

Q. You did not put your trip to Toronto, in, in that diary?

A. No.

THE COMMISSIONER: Why?

THE WITNESS: I have no special reason for not doing it.

THE COMMISSIONER: Why did you put in your diary that you were on duty locally, when that was not a fact?

THE WITNESS: I would be on duty locally most of the day, because as I recall it it was not during the day when we met here; or maybe it was.

THE COMMISSIONER: What?

THE WITNESS: I am not sure what time of day that we did meet. I mean, I am not sure when.

THE COMMISSIONER: But the point is, that

[illegible]

[illegible]

[illegible]

anyone looking at your diary would think that on August the 2nd you had been on duty all day?

THE WITNESS: Yes.

THE COMMISSIONER: And that is not the fact?

THE WITNESS: Well. I am wrong.

THE COMMISSIONER: I say, it is not the fact.

THE WITNESS: Not the fact.

THE COMMISSIONER: Why didn't you put it in your diary, if you were in Toronto on that day?

THE WITNESS: I did not put it in.

THE COMMISSIONER: I know you did not. And I am asking you to explain why you did not.

THE WITNESS: I can't. And you could find one hundred other dates that I have not entered, and I probably should have.

BY MR. MacKINNON: Q. And also find one hundred dates that you did go out of the area that you did put it in?

A. Yes. That would occur when there is any meal to be charged.

Q. You are saying it is only where meals are charged?

A. Not only where meals are charged, but in every case where meals are charged, it would be put in, I would think.

THE COMMISSIONER: Are you not supposed to keep an accurate diary?

THE WITNESS: Yes, and mine is not accurate; not every case.

BY MR. MacKINNON: Q. Apparently, according

to your evidence yesterday, people are charged, you say, for keeping incorrect diaries?

A. For falsifying diaries, yes.

Q. I suggest to you that the reason why you did not put an entry, for August the 2nd 1967 was that you knew that the reason you were meeting Hatch was not for police business. You had another purpose in mind.

A. That is correct. It was not for police business.

Q. You wanted to get him out, to Windsor?

A. No, no, no. I did want Hatch; I felt he was a good officer. We discussed the transfer before he ever went to Windsor.

Q. Did you discuss him with your superiors? This was an unusual procedure, was it not?

A. Regarding?

Q. Regarding taking Hatch out of his area. Had you spoken to Inspector Ramsbottom, for example, who was his superior?

A. No.

Q. Had you spoken to any superior of yours?

A. No, I do not recall that I did.

Q. This was most unusual, I suggest.

A. Most unusual?

Q. Yes.

A. No.

THE COMMISSIONER: Well, do you have different

districts trying to get men surreptitiously away? Do you do that surreptitiously? Well, do you?

THE WITNESS: Men constantly come to me, and discuss the possibility of transfer.

BY MR. MacKINNON: It may be; but you went to Shrubb, and you went to Hatch. Is that correct.

A. No, that is not correct. I went to Hatch, but not to Shrubb.

Q. Let us get back to this meeting in the bar at the St. Regis Hotel. Then, is it not a fact that you discussed the Windsor gambling club, and the work that Hatch was doing to break it up?

A. At the hotel?

Q. That is right.

A. I do not recall that I did; but Hatch did bring it up, and did discuss it, I think every time I talked to him.

Q. You knew he had a problem there on which he was working very hard?

A. Yes, he had told me.

Q. Yes. And then, subsequent to that meeting and prior to October the 30th, 1957, you called Hatch on the telephone twice about this transfer. Is that correct? You called him.

A. Following what? This?

Q. Following this meeting of August the 2nd 1957 and prior to the 30th 1957.

A. I can't fix in my mind whether I

did call him twice.

Q. You did call him again?

A. I did call him again, yes.

Q. You were pretty anxious to have him?

A. I would have been glad to have him, yes.

Q. You were taking the initiative in it at this stage, certainly, were you not?

A. I did not think so. I felt he was equally as interested as I was. He certainly responded by calling me back and by meeting me, and expressing a hope that he would be transferred to Peterborough district.

Q. And then you told us that you subsequently, and I have thedate; I believe the date that you met Sergeant Hatch in the Maple Leaf Hotel in Windsor was October the 30th or the 31st. Is that correct? Would that be approximately it?

A. That would be approximately it, yes.

Q. And you had some conversation there about this transfer with Sergeant Hatch. Is that correct?

A. Yes.

Q. And did you not speak to him then about the Windsor gambling club, and ask him how he was getting along with his investigation?

A. No, no. He certainly talked about it, but I did not ask him any questions concerning it.

Q. You did not ask him how he was getting along with the investigation?

A. I did not feel that I had any reason to; he was talking continuously about it. I did not have to ask him about it.

Q. All I am asking is; you are swearing affirmatively you did not ask him how he was getting along with his investigation of the Windsor gambling house?

A. No I did not.

Q. What were you doing in Windsor? Were you on leave?

A. No. I just -- I went to Cleveland.

Q. I beg your pardon.

A. I went to Cleveland; I went there and back.

Q. Was this police business?

A. No. I had my own car.

Q. Would you show it in your diary?

A. No.

Q. All I can find is, on Thursday the 31st of October: "duty, local". That would not be a correct entry, would it?

A. It would not be a correct entry.

Q. Why would you falsify that entry?

A. I don't knowwhy, but it is quite apparent that I did.

Q. What were you doing in Cleveland?

A. I went over to Mr. Lawry; the operator of Camp Cleveland.

THE COMMISSIONER: The what?

THE WITNESS: The operator of Camp Cleveland; the operator of Camp Cleveland at Peterborough, at Pigeon Lake (sic) Chemong.

THE COMMISSIONER: What is his name?

THE WITNESS: Lawry.

THE COMMISSIONER: What is his first name?

THE WITNESS: Frank; Frank Lawry. He was ill at the time, and died shortly after.

MR. MACKINNON:

Q. Is this not an individual who made boats?

A. I did not hear you.

Q. Was not this an individual who made boats?

A. Lawry?

THE COMMISSIONER: Yes, Lawry.

THE WITNESS: No, no. He made boats?

THE COMMISSIONER: You heard the question.

THE WITNESS: It must be very confusing. I don't whether he ever made boats.

THE COMMISSIONER: He asked you whether or not this man, was ever in the boat-building business?

THE WITNESS: No. He was not in the boat-building business.

BY MR. MacKINNON:

Q. Did you visit another friend during the course of this trip, in Tillbury?

A. Yes. He made boats.

Q. He made boats?

A. Yes.

Q. Were you in the boat-building business yourself?

A. No.

Q. At no time?

A. No; I didn't build boats.

Q. Fibreglass boats?

A. Yes; I covered fibreglass boats, yes.

THE COMMISSIONER: Well?

THE WITNESS: But not in the business, for myself.

BY MR. MacKINNON:

Q. For yourself? Not more than one?

A. Yes; lots of them, but not for business.

Q. But were you doing it for friends?

A. Yes, I did a lot for friends.

Q. And you charged your friends, too, didn't you?

A. Only the price of the cloth. I didn't charge them five cents for the work.

Q. You did a lot of it?

A. Quite a lot.

Q. Where did you do this? In your garage?

A. In front of the garage.

THE COMMISSIONER: Where?

THE WITNESS: At home.

THE COMMISSIONER: Peterborough?

THE WITNESS: Yes.

BY MR. MacKINNON:

Q. How long did this operation last? Are you still doing it?

A. Yes, occasionally.

Q. And you show this in your income tax returns, in any form?

A. I have never made one cent on it.

Q. Do you show this in your income tax return, in any form?

A. No.

Q. I beg your pardon.

A. No.

Q. Do you use Ontario Provincial Police officers on this work?

A. Yes I have.

Q. Is this part of their duty?

A. Oh never, at any time when they are on duty. Not one single time.

Q. Would they be paid for their services?

A. No.

Q. They were just doing it for your friends, out of the kindness of their hearts?

A. Yes.

Q. And they never got a cent?

A. They never got a cent, and I never paid a cent, either, above the cost of the material.

Q. They would not be interested in the cost of the materials, would they?

A. No.

Q. And they never got a cent. Did you ever invite anybody to go into this business with you?

A. No.

Q. As a business?

A. I might have talked to somebody; I do not think so.

Q. You may have talked to somebody?

A. I don't know why I would. No. There is no profit on it.

Q. How do you know there is no profit, no profit in it, if you have never charged.

A. There is too much involved, for the amount anybody can charge. Others have tried it. I would like to work, and I would like the results, and I did it for a few friends.

Q. You did it for a few people. Were they all friends? Or were they friends of friends?

A. I have also built seven fireplaces, and I have never charged five cents for them.

Q. We are on the boats. Are you saying everybody was a friend?

A. I thought they were, or I would not have done it for them.

Q. Do you know a man called Geoffrey Cyp Peeley?

A. Yes.

Q. Did you ever suggest to him that he should go into partnership with you, on this fibreglass boat-building business?

A. No, I certainly did not.

Q. You did not?

A. He and I are not that friendly.

THE COMMISSIONER: I beg your pardon?

THE WITNESS: We are not friendly.

BY MR. MacKINNON:

Q. Well, when he had been convicted of a gaming offence, and had been sentenced to a jail term, you were friendly enough to arrange an appointment for him with the Attorney General's office, were you not?

A. With O'Shaughnessy; with Alf O'Shaughnessy, yes.

Q. You called the Attorney General's office, and asked them to see Gyp Feeley about this present sentence; and as a result of your intercession, the sentence was commuted.

A. No, no, no. My report is on file.

Q. Didn't you make the arrangements for him to go to the Attorney General's office?

A. Yes I did.

Q. Why did you do that?

A. It was positively my duty. I would do that with any person.

Q. Why was it your duty? This was a man who had a criminal record and had been convicted, and who, we are advised, both the Magistrate and the Crown Attorney refused to intercede for in any shape or form, and yet you interceded successfully, apparently.

A. My report was shown at the inquiry at Peterborough and it was gone into, in every detail. I did; I did arrange with Staff Sergeant O'Shaughnessy that he should see him.

Q. Who was Staff Sergeant O'Shaughnessy?

A. He is Staff Inspector; I am sorry. Staff Inspector O'Shaughnessy. He is the representative of the Ontario Provincial Police, who is the liaison officer, so to speak, with the Liquor Control Board.

THE COMMISSIONER: The what?

THE WITNESS: With the Liquor Control Board, and such like, on investigations and such like. Investigations for our departments, and matters having to do with liquor investigations of any kind.

MR. WILSON: I think Mr. MacKinnon inadvertently described the offense as a gaming offense.

MR. MacKINNON: A liquor offense, I am sorry.

THE COMMISSIONER: I was wondering why it would have something to do with the Liquor Control Board on the gaming house.

BY MR. MacKINNON:

Q. And that was the last you had anything to do with the matter?

A. Yes, in my report ---

Q. That you would have --

THE COMMISSIONER: Just a moment.

Let him finish the answer.

MR. MacKINNON: Did he say, no or yes?

THE COMMISSIONER: He was in the middle of a sentence, and I do not know what he was going to say. He said something about "about my report?"

THE WITNESS: My report had been admitted in the district, he wouldhave been ---

THE COMMISSIONER: I beg your pardon?

THE WITNESS: If my report had received consideration, he would not have received clemency.

BY MR. MacKINNON:

Q. You knew he had appealed, and it was after his appeal was dismissed that you arranged this appointment. Is that correct?

A. Yes.

Q. Did you advise him, that pending the outcome of this interview, he could stay at your place?

A. That he could stay at my place?

Q. That is right.

A. No.

Q. What kind of house have you got? Two storeys?

A. Yes. It is two storeys.

Q. Has it got an attic?

A. Yes.

Q. It has an attic, has it?

A. Yes.

Q. How do you reach that attic? By stepladder or stairs?

A. No, no. Through the house ; stairs, through the house.

Q. Did you not suggest to him that he could stay in your attic pending the result of the approach to the Attorney General's office?

A. No, no. I never suggested any such thing; never.

Q. To whom did you sent this report? Tell us about that.

A. Well, to the regular channels; to the Commissioner.

Q. What is your regular channel?

A. That would be through the Commissioner.

THE COMMISSIONER: What Commissioner?

THE WITNESS: The Commissioner at Ontario Provincial Police.

MR. MacKINNON: Q. Have you got that report?

THE COMMISSIONER: And he, at that time, was whom?

BY MR. MacKINNON: McNeil.

(To the witness) It was Commissioner McNeil, was it not?

A. I would say yes. What year was it, again?

Q. I think it was 1954.

A. It would be McNeil, yes.

I don't know if I have a copy of it or not, the reason being it was produced at the time of the hearing in Peterborough, and I do not recall

whether it was retained as an exhibit or not.

THE COMMISSIONER: You sent a report to him?

THE WITNESS: To the Commissioner, yes, my lord.

MR. MacKINNON: Q. And I am sure, while Mr. Wilson has all these reports, he will probably have a copy of your report.

THE WITNESS: Yes.

Q. You say it was a report that was dated, and produced prior to Gyp Feeley's release and the commutation of his prison sentence to a fine? You say that now?

A. I am not sure of the question?

Q. You say this report which was made by you, about Gyp Feeley, was made prior to the commutation of Feeley's sentence?

THE COMMISSIONER: Was the sentence changed?

BY MR. MacKINNON:

Q. The sentence was changed, was it not?

A. Yes I think so.

Q. It was commuted, and a fine was imposed?

A. That is right. And I had absolutely nothing to do with it, and the making the appointment.

Q. Can you remember again ---

THE COMMISSIONER: No, no. Let him

finish.

THE WITNESS: And the making of the appointment for Feeley.

MR. MacKINNON: With respect Mr. Commissioner: I was going to the date of his report, and whether it had been made.

THE COMMISSIONER: You asked him if the report had been made before his jail sentence was commuted.

MR. MacKINNON: That is right.

THE COMMISSIONER: He is now trying to answer.

MR. MacKINNON: This is not an answer to the question.

THE COMMISSIONER: Ask him again.

MR. MacKINNON: Q. Will you answer that question?

THE COMMISSIONER: What is the question, again?

MR. MacKINNON:

Q. My question is: was this report you told us about, prepared and forwarded prior to the commutation of Gyp Feeley's sentence?

A. Yes sir.

THE COMMISSIONER: He says yes.

MR. MacKINNON: He had not said yes before this, Mr. Commissioner.

THE COMMISSIONER: Oh, I had understood him to say so.

BY MR. MacKINNON:

Q. Was there any particular reason why Mr. Peeley came to you, about this matter?

A. No, not beyond the fact that I was Inspector on the Provincial Police at that point.

Q. He was convicted of bootlegging, wasn't he?

A. Yes.

Q. Is it common practice for you to intercede for bootleggers?

A. I did not intercede in his case.

Q. You started the ball rolling, didn't you?

A. Any man who came to my office, seeking an appointment with Staff Inspector O'Shaughnessy, I would undertake to arrange it, and I would not feel there was anything wrong with it. He is entitled to discuss these things with Inspector O'Shaughnessy.

Q. Then, we were led off into this field by this boat that we were discussing.

Apropos of your meeting with Sergeant Hatch in October 1957: now, after this meeting - or I am sorry - at this meeting, did you suggest to Sergeant Hatch that he take over the Cobourg detachment, or be the traffic sergeant.

A. In effect, I would have said and did say to him, to the best of my recollection, that I would like to have him in one of those posts. And if Sergeant Hatch states that I was

in a position to bring that about, or I said I was in a position to bring that about, that would not be correct.

Q. Did you tell, or did you suggest to him, that if he came to your district, he would either take over the Cobourg detachment, or be the traffic sergeant?

A. That I would like to have him in that position, yes.

Q. And he told you, I take it, that that would be a step down as far as he was concerned. He was in charge of the largest detachment in Ontario.

A. Yes, he said that. The pay would be the same. He did want to come to Peterborough, and most decideedly said so.

Q. Did you talk this matter over with the Commissioner at this stage?

A. No, I do not recall that I did.

Q. Well, did you?

A. No, I do not think so.

Q. Didn't you tell Sergeant Hatch that you had talked the matter over with the Commissioner?

A. No.

Q. Do you so swear?

A. I so swear.

Q. Fine. So you didn't tell him that you had already talked the matter over with the Commissioner, and that all Hatch had to do was

submit the request for transfer?

A. No.

Q. You are aware, are you not, that after this meeting you telephoned Sergeant Hatch at least twice, asking him what he was going to do?

A. Yes.

THE COMMISSIONER: After this meeting?

MR. MacKINNON: After this meeting.

THE WITNESS: After this meeting?

BY MR. MacKINNON:

Q. Yes, in October 1957, in the motel.

A. That would not be my recollection, because I thought -- I thought at the motel that night that he told me he was not interested. It may have been a subsequent phone call, that he told me he had made up his mind that he was going to stay in Essex.

B/4/A2

Q. You are not prepared to deny that you may have called him twice?

A. Yes.

Q. That is possible?

A. Yes.

Q. And he told you he was going to stay where he was?

A. He subsequently told me that he had decided to stay where he was.

Q. And you were aware that this whole strange procedure so disturbed Sergeant Hatch that he and his Inspector, Inspector Ramsbottom, met

with Inspector McNeil on December the 5th, 1957 in the presence of Police Executive N. Phelps, with regard to this conference with you. You are aware of that, are you not?

A. No, I am not.

Q. Were you not called by the Commissioner, in this connection?

A. No, I was not.

Q. He never spoke to you, about this approach of yours, to Inspector Hatch?

A. No.

Q. Or to Sergeant Hatch?

A. No, he did not.

Q. You never had any meeting, at which Mr. Phelps was present? You knew who Mr. Phelps is?

A. Yes I do.

Q. With regard to this matter?

A. My memory must be very bad, and if such a thing ever occurred, because I do not recall that.

Q. You do not recall denying to the Commissioner, about approaching Sergeant Hatch? with that, or about that position?

A. I have not denied it here; I would not have denied it to the Commissioner.

Q. You are saying that you did not deny it to the Commissioner?

A. I did not deny it to the Commissioner, nor did I remember the Commissioner asking me

work Improvement Account; do remember who Mr. Jackson is and generally of Jackson Brewery. Q. Whether, with regard to India connections which you, has any member of family been there?

A. No, I am not.

Q. Where you are called by I am Commissioner. In India commercial?

A. No, I was not.

Q. Do never engine to you, member this Department of Finance, Mr Chairman Brewery?

A. No.

Q. Or the Company Mining?

A. No, we had not.

Q. You never lost any money, as which Mr. Jackson has Commercial. Did some Jackson Brewery?

A. Yes I do.

Q. With regard to this company?

A. My company also to very low, and it from a living even commercial, because I do not recall that.

Q. You do not recall Company to the Commercial, Mining Department Indian Mining, or about that Jackson?

A. I have not dealt in Brewery. I never did more dealing in the Commercial.

Q. You are speaking about very old Jackson Brewery in the Commercial?

A. I did not deal in it in the Commercial.

about it.

Q. Now, was this brief sent by registered mail to your home?

A. No.

Q. How do you know?

A. Because it came to the office.

Q. Was it sent by registered mail?

A. No.

Q. How do you know?

A. Well, it would have to be signed for, and by me.

Q. Why? Your secretary in the office, or people in the office, are entitled to sign for registered mail, addressed to the office?

A. Maybe it was sent by registered mail, but I did not get it.

Q. I believe you told us that you found it on your desk. Isn't that correct?

A. Yes.

Q. And there was no covering letter?

A. Among other mail, yes.

Q. And no covering letter?

A. No covering letter.

Q. On December the 2nd, 1961?

THE COMMISSIONER: I beg your pardon. Was it in an envelope when you first saw it?

THE WITNESS: No, it was not at that time. It was opened, lying on the desk with other mail.

THE COMMISSIONER: Was the envelope there? Was there an envelope there?

THE WITNESS: If there was, I never saw it. No. It is customary that the sergeant, the staff sergeant, or any of the girls might open the mail; any that requires my attention, or is directed to me, it would be put on my desk. In many cases, mail is opened that is directed to me as personal mail, by mistake, and marked "Opened by Mistake" but that did not occur in this case.

THE COMMISSIONER: Then am I to understand that when you first saw this brief it was on your desk?

THE WITNESS: Yes.

THE COMMISSIONER: With no accompanying envelope?

THE WITNESS: With no accompanying envelope.

THE COMMISSIONER; How did you know it came through the mail?

THE WITNESS: Only because I was told it was going to be mailed. I do not know. I assume it did.

BY MR. MacKINNON:

Q. We discussed your meeting with Corporal Shrubb, in the St. Regis Hotel, and the question I would like to ask you is: did you advise anyone else of this meeting and the subject matter discussed at the meeting?

THE COMMISSIONER: With Hatch, or Shrubb?

MR. MacKINNON: Shrubb.

THE WITNESS: Dated on the ---

MR. MacKINNON: June the 2nd, 1955.

THE WITNESS: Are you speaking about officials of the department?

MR. MacKINNON: Anybody.

THE COMMISSIONER: Anybody.

THE WITNESS: I am not aware that I did.

Q. So, you say if Vincent Feeley knew about this meeting, that knowledge was not acquired from you?

A. No, it certainly was not acquired from me.

Q. You are swearing affirmatively about that?

A. I never conveyed any such information.

Q. On December the 2nd 1961 you wrote a letter to the Peterborough Examiner. Is that correct?

A. That is correct.

Q. And at that time, that also appeared in the Toronto Globe and Mail?

A. Yes.

Q. And is this clipping which I have produced from you from the Peterborough Examiner, of December the 2nd, 1961, the letter, or a true copy of the letter which you wrote?

A. Yes.

MR. MacKINNON: I wonder if that might be put in as the next Exhibit, No. 110.

THE COMMISSIONER: That is from whom?

MR. MacKINNON: That is from the Peterborough Examiner; I believe I so stated.

THE COMMISSIONER: What date?

MR. MacKINNON: It is December the 2nd 1961.

EXHIBIT NO. 110: Copy of letter first printed in Peterborough Examiner and later in Toronto Globe and Mail, by the Witness Stringer, dated December 2nd, 1961.

BY MR. MacKINNON:

Q. Now, there are two sentences in this that I would like you to explain. This was written after Mr. Wintermeyer's speech in the House on Crime. Is that correct?

A. Yes.

Q. And you were mentioned in that speech, were you?

A. Yes.

Q. Now, about half way down this Exhibit, you state:

"Is it possible that a Cabinet Minister has "been so ill advised by over-zealous, "inexperienced underlings, who have handed "him a political football, to be used on "another occasion completely, that he has "blindly thrown it too high and too far, "landing squarely in the hands of the "Opposition?"

Do you remember writing that?

A. Yes.

Q. What did you mean by that word "over-zealous and inexperienced underlings"? Who were you talking about?

A. I was wrong about that.

Q. But what did you mean by that?

THE COMMISSIONER: What were you talking about?

THE WITNESS: I was talking about any police officers and, in particular the anti-gambling squad, who would have recommended the issuance of charters, under the circumstances. But I now learn ---

BY MR. MacKINNON: Just a moment, what charters?

A. Charters to these very gambling clubs.

THE COMMISSIONER: I do not follow that.

THE WITNESS: Well, the reference ---

THE COMMISSIONER: Let me see that. It is rather a long sentence (document handed to the Commissioner). That is a most confusing sentence, I suggest to you with great deference. Let me read it to you again; you can read it again. Do you see it, there?

THE WITNESS: Yes. I recall.

/5/AS THE COMMISSIONER: (reads)

"Is it possible that a Cabinet Minister "has been so ill advised by over-zealous "and inexperienced underlings."

What did you mean by "underlings"?

THE WITNESS: The Provincial Police.

MR. MacKINNON: I cannot hear the witness.

THE COMMISSIONER: Speak up.

THE WITNESS: Any Provincial Police, who would be in a position to advise on the issuance

of charters.

THE COMMISSIONER: (reading)

"Who have handed him a political football

"to be used on another occasion."

What other occasion? What are you talking about, there?

THE WITNESS: The Conservative convention.

THE COMMISSIONER: I beg your pardon?

THE WITNESS: The Conservative convention.

THE COMMISSIONER: The convention?

THE WITNESS: Yes, for the election of a new Premier. I have, may I state - I have been punished for the writing of that.

THE COMMISSIONER: I am not concerned with whether you were punished or whether you were not punished. All I want to know is: what do you mean by that, and I could not follow, and I cannot say that I do yet.

MR. MacKINNON: Well, I do not, Mr. Commissioner, and I would like to know who is the Cabinet Minister that you had in mind, or who is the Cabinet Minister.

A. I will reveal that, if my lordship says I must.

THE COMMISSIONER: Just a moment. I do not know the significance of all this; what is all this (indicating something)?

(The Witness wrote something on a piece of paper)

THE WITNESS: I certainly should never have written that.

BY MR. MacKINNON:

Q. But you did write it?

A. I did write it and I acknowledge my mistake, and I have received my only punishment in 36 years, for writing it.

Q. Was your suggestion that someone had granted these charters for political support? Was that what you were getting at?

A. That is exactly what I am getting at.

Q. That is exactly what you are getting at!

MR. BREWIN: Mr. Commissioner, I cannot follow this. Is there any reason why the name of the Cabinet Minister concerned should not be told to us?

THE COMMISSIONER: He has not mentioned any Cabinet Minister in this article. He had a Cabinet Minister in mind; that is what he said.

MR. BREWIN: But with great respect, is it possible that "that a Cabinet Minister has been so ill advised"?

THE COMMISSIONER: That is right.

MR. BREWIN : Is he able to tell us who the Cabinet Minister is, so that we could get into the workings of his mind?

THE COMMISSIONER: He had a Cabinet Minister in mind at the time, but he has not named him in the article

MR. BREWIN: But is there not any reason

why he should not name him now, so that we can follow this evidence?

MR. COMMISSIONER: I do not know; the sentence is such an involved and confused one.

MR. BREWIN : If he tells us what it was, and what he meant, we could follow his evidence more fully.

MR. MacKINNON: He said, and I have summarized it, and that is what he meant ---

THE COMMISSIONER: Have you got a copy of that, by any chance?

MR. BREWIN: I have got one, and I can lend it to you, sir.

MR. MacKINNON: He said he meant that the Cabinet Minister had issued these social club charters for the purpose of securing political support at the Conservative convention

(To the Witness) You mentioned that

A. Oh no; that would be going a little too far.

Q. Then, just leave it "for securing political support,".

A. I think that is going too far, too.

Q. That is what you agreed with, a minute ago.

THE COMMISSIONER: You will not get first prize for literature! In any event!

THE WITNESS: I had over three million readers in my first attempt. (laughter)

MR. MacKINNON: A fairly wide circulation!

THE WITNESS: Too wide.

MR. MacKINNON: May I ask him about who he meant?

THE COMMISSION: Yes, you may.

BY MR. MacKINNON:

Q. Whom did you have in mind?

A. I am not prepared to say, without his lordship's rules that I must.

THE COMMISSIONER: Yes, you ought to. Do not leave this lurking in the shadows.

THE WITNESS: My boss.

BY MR. MacKINNON:

Q. Your boss?

A. The Attorney General.

Q. The Attorney General. What was this "to be used on another occasion"? Wa s that when you were referring to the Progressive Conservative nomination? Was that the occasion?

A. Yes.

THE COMMISSIONER: Now just a moment. This is the out-pouring of this witness. Does it prove any facts?

MR.MacKINNON: No, I am not suggesting it proves any facts.

THE WITNESS: Anything I have talked about, I would have to admit that I am wrong about it; I have told the Commissioner I was wrong about writing ~~xhx~~ it, and I have pleaded guilty to it, and I have been punished for it.

Q. Now, you have described that the

police, who are underlings, who were the inexperienced underlings, were not consulted at the time; that is the anti-gambling squad?

A. That is right. I did not know that at the time I wrote that article, but I did; I did know it, now, and have known it for some time.

Q. Were you aware at the time that you wrote this letter, that one, Louis Herman was the solicitor who had acted on the issuance of all three charters?

A. No, I do not know Herman at all.

Q. And then you say:

"I do sincerely hope that these men will "forgive me,"

referring to the new Premier, and other members of the Cabinet.

THE COMMISSIONER: Where are you talking from?

MR. MacKINNON: It is in the last paragraph sir. You say:

"I do sincerely hope that these men will "forgive me and that they will understand "that one must listen only so long before "giving vent to his feelings and before "placing the blame where it properly "belongs."

Now, what was the blame, and where did it properly belong?

A. If charters were not issued to gambling houses, they could not continue to

operate, and it was my opinion, right or wrong, that charters could have been cancelled; and if cancelled, we would not be sitting at this inquiry today.

Q. To be fair to you, this is what you meant in your last sentence: that

"If other senior officials of this "department had seen fit to disregard "the procedure of this Force, why should "I remain silent whilst they bring dis- "credit to an organization for which I "have been working for so many years"?

I take it you were implicating the senior officers of the department, in the granting of these charters. Is that what you had in mind?

A. I was wrong.

Q. But is that what you had in mind?

A. Yes, but I was wrong in accusing anybody of it. But it was my opinion that charters were necessary to the whole problem.

THE COMMISSIONER: Did you compose this letter yourself?

THE WITNESS : Yes, I did.

BY Mr. MacKINNON:

Q. Have you any knowledge that you have not told us about, that led you to believe that these charters were given for political purposes, or for political favours?

A. I have never said, at any time, they were political favours. It was the

decision of someone who had the authority, to allow their continuance; to permit them to continue.

Q. So, you have no other knowledge, other than what you have told us?

A. No. I -- no, I have not.

MR. MacKINNON: That is all.

THE COMMISSIONER: Mr. Brewin, have you any questions?

MR. BREWIN: Yes.

THE COMMISSIONER: Will you be long?

MR. BREWIN: A little while.

THE COMMISSIONER: Perhaps this is a good time to take the mid-morning recess.

--- Whereupon the proceedings were adjourned for a few minutes.

(Page 2730 follows)

C
B/1/RC

---On resuming at 11:53 a.m.

MR. WILSON: Is there any reason for Chief Constable Shrubb to remain out, or should he - Is it proper for him to be in the Courtroom?

THE COMMISSIONER: Oh, I think maybe he better stay outside.

---JAMES ALLAN STRINGER, resumed the witness stand.

THE COMMISSIONER: Let me see that clipping.

Q. At the timeyou wrote this letter, Exhibit 110, you wrote it to the Peterborough Examiner?

A Yes, your lordship, I did.

Q. And not to the Toronto paper?

A. And, not to the Toronto paper.

Q. And, if I understand you, at that time, you were of the impression that the Ontario Provincial Police, certain members of it, had recommended the issuing of these new charges?

A. Yes, I thought that, until the Commissioner - - -

Q. Well, at that time it was your understanding?

A. It was my understanding until

the Commissioner told me otherwise.

Q. All right, and that, in effect, that is what you were doing in writing this letter was sort of castigating those Ontario Provincial Police Officers who had, as you thought, recommended the issuing of these charges?

A. That is true, your lordship, I was writing.

Q. All right, now, among them you thought was Mr. Shrubb, he had been on the Anti-Gambling Squad?

A. I thought it should have been Anderson who would have made reply to it. I didn't know who had made reply to it, but anyone who did would be in effect advising the Attorney-General on issuing the charter, but in that I was wrong.

Q. I understand that. But you were not casting any aspersions on the Attorney-General, you were simply saying he was ill-advised by these officers?

A. I wasn't casting any aspersions on anyone other than the persons who were responsible for the issuing of this charter.

EXAMINED BY MR. BREWIN:

Q. Inspector Stringer, I would like to ask you about Exhibit 110 that the Commissioner has just asked you about, and I would like to read to you this literary gem:

" If indeed a political cake has been baked for consumption "by the people of Ontario as a "stepping stone to higher places and it now appears to have gone "flat and sour, the chef must "consume it himself and relish it."

I notice you have moved from the metaphor "political football" to "a political cake" which has been baked by the people of Ontario as a stepping stone - - -

THE COMMISSIONER: Why would a cake be used as a stepping stone?

MR. MacKINNON: That is a marble cake, sir.

MR. BREWIN: I think inthe New Yorker they sometimes use the metaphor "political plum". - - - inaudible.

(Laughter)

Q. I believe that baking a cake, that is, you are referring to the Attorney General, who baked a cake here?

A. Well, I was thinking of him,yes.

Q. You were thinking of him. And, the reference to "baked for consumption by the people of Ontario as a stepping stone to higher places . . . ", I guess this was at the time when this has something to do with the Attorney General's aspiration to the leadership of the Conservative Party, is that correct?

A. That would be correct.

THE COMMISSIONER: Well, now, Mr. Brewin, what does all this prove?

MR. BREWIN: Well, sir, it may prove something.

THE COMMISSIONER: At the moment, I do not see it proves anything. Here is a man who broke into print; I don't know why, but he did.

THE WITNESS: I don't know why either, your lordship.

THE COMMISSIONER: Q. No, I wouldn't think you would.

MR. BREWIN: Well sir, - - -

THE COMMISSIONER: These out-pourings do not mean anything.

MR. BREWIN: Well, sir, let me put this to you, Mr. Commissioner: Here is a man who is a highly experienced officer - - -

THE COMMISSIONER: Is he?

MR. BREWIN: Well, I would think so, sir, he has been an inspector for some time,

and he has a number of men under him, and he has been an officer, I think, since '27.

THE COMMISSIONER: Is his experience something that would qualify him to suggest that some man baked a political cake?

MR. ERWIN: Well, sir, he seems to know something about it.

THE COMMISSIONER: Oh, well, he doesn't know anything more about it than a man in the street.

MR. ERWIN: I suggest, sir, that he does know a little more about it than a man in the street.

THE COMMISSIONER: Q. Do you know anything about it?

A. No, I don't.

THE COMMISSIONER: There you are. It is clear to me that he is as a man who wanted to break into print, and he wrote this letter, and, his experience does not qualify him to draw any conclusions as to say who baked a political cake.

MR. ERWIN: I would suggest, sir, that his experience is such as to make him experienced enough to draw inferences - - -

THE COMMISSIONER: I am not concerned with any inferences he may have drawn. I am the one who is to draw the inferences from the facts that appear.

MR. BREWIN: Being concerned with these matters, he has drawn a brief with respect to these matters.

THE COMMISSIONER: Let us stick with one thing at a time.

MR. BREWIN: I suggest it is perfectly proper for me to cross-examine him on what he says here and what he himself wrote, and I would like to do that, sir, if I may.

THE COMMISSIONER: I know, but I am not going to sit here and listen to inferences that witnesses draw. They can state the facts and I will draw the inferences.

MR. BREWIN: No, sir, - he has made this statement, and I wish to cross-examine him about it, and it is a statement on which others have examined, and if you do not permit me to examine on it, all right.

THE COMMISSIONER: You can examine with respect to anything that is pertinent.

MR. BREWIN: Sir, my friend, Mr. MacKinnon, has questioned him about it, and Mr. Wilson, and I submit I should be allowed to, sir, and if I am not, you will please rule that I may not.

THE COMMISSIONER: I am ruling first of all that he is not entitled to draw inferences with respect to who baked a political cake, and the purpose of it.

MR. BREWIN: Sir, I do not want to argue the point with you, sir, you have made your ruling; I accept it, but if you do wish me to make submissions on this point, I suggest this is a perfectly proper line of questioning; that this witness has been an Inspector, I gather, for many years, and as is experienced to matters that deal with the enforcement of law, and the issuance of Charters, and so on, and he rather gave an informed opinion on - - -

THE COMMISSIONER: An informed opinion as to what? As to who baked a political cake?

MR. BREWIN: Well, certainly, if that is the expression he has used.

THE COMMISSIONER: Well, I will not allow that, Mr. Brewin.

MR. BREWIN: Very well, sir.

Q. Well, then, Inspector Stringer, is there any practice in your office at Peterborough in regard to the stamping of mail that comes in?

A. The staffing of mail?

Q. Stamping; I mean, Showing that it has been received, and the date it has been received?

A. Yes, I take it that is so.

Q. I take it that would be the usual practice. If you have anything with you that shows the receipt stamp of receipt of mail,

and I presume it is "Ontario Provincial Police, Peterborough"?

A. Nothing coming to me personally would be stamped, if it is noticed in time.

Q. I beg your pardon?

A. Nothing coming to me personally would be stamped if it is noticed in time.

THE COMMISSIONER: This brief was not coming to you in your personal capacity?

A. No, it wouldn't necessarily be stamped. It wasn't stamped, as you can see.

MR. BREWIN: Q I see. I was just going to point out to you that Exhibit 102 is completely devoid of any stamping or indication of how it was received, and I want to suggest to you, Inspector Stringer, that is rather surprising if, as you say, it came to you through the ordinary mail, in the ordinary course, and was given to you with the rest of your mail on your desk. Is not that unusual?

A. No, that is not unusual. If it was noticed that there was something for me and it was not for the Department, it would not likely be stamped.

THE COMMISSIONER: It didn't come to you in your personal capacity. Surely it must have come to you in your capacity as Inspector of Police in your district?

A. If it was delivered it was in

with the regular mail to be put on my desk and not stamped, as many things are. Not all the mail that isput on my desk is stamped.

MR. ERWIN: Q. There was no letter with it?

A. There was no letter with it.

Q. What made your secretary or whoever ikx received it, think it was personal or not to be stamped in the ordinary way?

A. I don't think they would stamp anything of that nature, even coming from the Department.

Q. This did not come from the Department; this is a document headed "Re Ramsay Club,1693 Victoria Street, Second Floor, . . . ".

There is nothing personal about it at all, I suggest to you. Nothing. Look at page 1 and tell me if there is anything - - -

A I think in the normal course that it would not be stamped, that it would be put on my desk, and that is what did happen.

Q. Are you saying that a document of this nature headed, "Re Ramsay Club" a document dealing with Charters and Companies Acts, and various dealings of that sort, coming from Niagara Falls, would not bear a stamp to show it was received?

A. No, not necessarily, I

would say it wouldn't.

C/3 Q. Oh. And, there is no date on it?

A. There is no date on it.

Q. I suggest to you one reason it was not stamped is that it was delivered to you personally?

A. It wasn't delivered to me personally.

Q. It wasn't?

A. No. I would say the stamping had very little significance.

Q. What is the purpose of stamping the mail if it is not to show when it was received and how it was received?

A I received, and other officers received, lots of mail by mistake, and it would have a notation made that it was received and opened by mistake.

Q. Whose duty is it, normally, to receive and stamp mail that does come in, to decide whether it should be stamped, or not?

A. Well, it is a duty of all or any ofthe stenographers who are in the upstairs office atthe time. In some cases the staff sergeant or the sergeant, or Constable Mason, any of them, might get the mail, open it, and stamp it, and in some cases, enter it. There is no one assigned continuously to - - - -

Q. I see. Now, dealing with one detail I notice in your evidence yesterday in-chief that when you talked with Commissioner McNeill at his cottage about the receipt of this brief, he told you that you ought to - - ought to have taken it to the Commissioner or reported it to the Commissioner. Am I right?

A. To the Commissioner's office, yes.

Q. Yes. And, when he told you this, did you disregard his advice?

A. Yes, I didn't take it to the Commissioner.

Q. Why not?

THE COMMISSIONER: By that time it was out of your possession?

A. I didn't take it.

MR. ERWIN: Q. The brief was out of your possession; what about the facts?

A. I didn't take the matter up with Commissioner Clark.(sic)

Q. Can you tell me why you didn't, if it was McNeill's view that you should have?

A. Yes, it was. I disregarded his suggestion or his advice. I didn't take it.

Q. Can you tell me any reason why you had gone to consult him about it, and

you seemed to be in some doubts as to whether he was in authority, or not. The whole matter should have been taken up with the Commissioner; why didn't you take it up, then?

A. I didn't take it up with him.

Q. Then, you disregarded his advice. Can you tell me why?

A I don't know.

THE COMMISSIONER: There must have been some reason, surely?

A. I felt that the Commissioner was already in possession of all the facts, for one thing.

MR. BREWIN: Q. Well, the Commissioner - - - Was the Commissioner aware of the facts as to how you got this brief?

A I felt that Sergeant Anderson would have by this time taken it up with the Commissioner.

Q. You will recall, sir, that Sergeant Anderson has said that you didn't tell him about it coming from Humphrey?

A. Yes.

Q. Was there some reason why you were trying to conceal the source of this brief?

A. No there wasn't.

Q. Now, this matter has been mentioned before, but I think you said that the whole question of the Ramsay Club first came to

your attention through these two lawyers, who happened - - from Niagara Falls - - who happened to turn up at your cottage in Algonquin Park; is that right?

A. That is the first I heard of the Ramsay Club, yes.

Q. I want to remind you of the evidence that was given that - - and it is in Exhibit 103, which is Sergeant Anderson's report on this matter: "Inspector Stringer thought this..." -that was a Suggestion of Anderson about getting the lawyer to go into the club was a good idea and said that he would contact a lawyer in Niagara Falls and discuss it with him.

I think you have told my friend, Mr. MacKinnon, that you did, or although you didn't remember it, you don't dispute the fact that you did tell Anderson that you would talk to a lawyer in Niagara Falls and discuss the matter with him?

A. Yes.

Q. Yes. I now would like to call your attention to your own evidence at page 2516 of the Transcript in-chief, where you said: "They said they were lawyers" - this is at the foot of page 2517:

"Q. Did they give you their names?

"A I think they did but I don't "recall it and I don't ~~thinnk~~ think they "were lawyers".

Did you at the time think they were not lawyers?

A They didn't seem like lawyers.

Q. They didn't seem like lawyers, they didn't dress like lawyers?

A. Well, they were on a camping trip. I wouldn't know from the dress.

Q. I see.

THE COMMISSIONER: Q. They didn't get out of the boat, at all?

A. They didn't get out of the boat at all. They were not there more than fifteen or twenty minutes.

MR. SKEWIN: Q. And I think at page 2516 at the foot, you say:

"Q. Well, did you know who they "were?

"A. No, I did not, and I don't "know yet.

"Q. Had you ever seen them "before?

"A No.

"Q. Have you seen them since?

"A No, I have not."

Now, at that time you were indicating that you didn't, at the time, know who they were. Are you sure that they gave you any address?

A. Yes, I am quite certain of

that, but they might very well have given me any address. You were asking me if I knew them, which would indicate did I know them to be the persons they represented themselves to be, and the answer is No, I didn't know them.

THE COMMISSIONER: Did you write the address down?

A. I had a card, or they had a card, they wrote it down; I didn't write it down.

MR. BREWIN: Q. Why did you tell Anderson that you would get in touch with these lawyers?

A. Well, as I recall, I did have information at the time by which I could get in touch with them.

Q. And did you try to get in touch with them?

A. Yes, I did.

Q. And, did you report back to Anderson that you were not able to get in touch with them?

A. I don't know whether I did or not. I did get in touch with them.

Q. How did you get in touch with them?

A. By telephone.

Q. Then, you must have had their telephone number?

A. No, I didn't, as a matter of fact, I put in a call on that name, the name given me.

THE COMMISSIONER: Q. Can you recall now?

A. No, I can't. I asked my wife and son if they remembered anything about it that night when I was home, and they could not recall any names.

MR. EWEWIN: Q. Could they recall these gentlemen being there at all?

A. Only after I told them what I remembered about it; they told me they remembered about it.

Q. Now, you tell us that it was Mr. Humphrey who first of all telephoned you and later mailed this brief to you -- at least, you assumed that he was the one who telephoned?

A. He said he was Mr. Humphrey.

Q. And, I put it to you that in the second telephone conversation you had with Mr. Humphrey -- and these are your own words I have -- Mr. Humphrey said, "why did you try to involve me?".

Is that right?

A. I don't remember the exact words he used, but I do remember I was called out of court in Cobourg, that is where I received the call in the police station. It was of very short duration.

Q. Well, I will read to you what you swore to yesterday and perhaps you can tell me whether this is correct or not, page 2580 of the transcript, you were being asked about a second telephone conversation with Mr. Humphrey, and you said:

"kDefinitely not the second one.

"I know it was on the second

"telephone conversation that it

"was confined almost to saying

"'You never met me in your life.

"why do you attempt to involve me?'

"I said, 'I thought I had met you,

but I'm not that certain.'

"That is about all there was to the

"second conversation, and that

"telephone conversation was just

"something over a year ago,

"I think."

Do you remember making that answer yesterday?

A. Yes.

Q. And was it a correct answer?

A. If you are asking me to state verbatim the wording of that conversation I wouldn't be able to do so, but that, in effect, was what was said. He was displeased.

Q. I will just read over to you the words that you attributed to Mr. Humphrey.

Q. Well, I will read to you about you more in yesterday and perhaps you can tell me whether this is correct or not. Page 2230 of the transcript, the part being read begins a second telephone conversation with Mr. Murphy, and you said:

"Immediately not the second one.

"I know it was at the second

"telephone conversation that it

"was overtired almost to crying;

"'You never met me in your life.

"Why do you attempt to involve me?'

"I said, 'I thought I had met you,

but I'm not that certain.'

"That is about all there was to the

"second conversation, but that

"conversation was just

"something over a year ago.

"I think."

Do you remember making that answer

yesterday?

A. Yes.

Q. And was it a correct answer

Q. If you are asking me to

state regarding the morning of that conversation,

I wouldn't be able to do so, but that, in

effect, was what was said. He was disappointed.

Q. I will just turn over to

You said it was a short conversation?

A. Yes.

Q. You said, "'You never met me in your life. Why do you attempt to involve me?'"

Did he say that to you?

A. That, in effect, was what was said, yes.

Q. And, "I said, 'I thought I had met you, but I'm not that certain.'"

A. That's right.

Q. Apparently he was complaining that you were involving him in the matter; is that right?

A. That is right, yes.

Q. Well, if you are telling us the truth now, he was the one who did involve you in the matter, wasn't he?

A. I have no way of knowing whether he was, or not.

Q. Oh, are you suggesting that someone phoned you and gave his name and it wasn't him?

A. That has happened before, a similar instance. I am not prepared to swear that it was.

Q. I am suggesting to you now that it was not Mr. Humphrey who gave you that brief at all or caused it to be delivered to you, and you know it?

A. That it was not David Humphrey that delivered it?

THE COMMISSIONER: You heard the question.

A. Yes. Well, to the best of my knowledge it certainly was.

MR. BREWIN: Now, this - - - you didn't know Mr. Humphrey very well? Well, in fact, I think you said he was a stranger, until you had seen him in court on the second occasion when someone called. Was it the same man who called you before you had this telephone call in Cobourg? Was it the same man who had spoken to you before in Peterborough and given you a long story about Corporal Shrubb?

A. Frankly, I thought it was.

Q. You thought it was?

A. Yes.

Q. Well, why, if both you and Humphrey were well aware that this brief had come to you through the mail - - What was the point of Humphrey saying you had never met him in your life?

A. I don't know what was in his mind, I only know that that in substance was what he said. He was displeased with me.

Q. He was displeased with you because you said he had been responsible for sending the brief on?

A. That is one not Arvid Humphrey chose delivered her

THE MODERATOR: You heard the question.

A. Yes. Well, to the best of my knowledge it actually was.

MR. BURKE: Now, this - - - you didn't know Mr. Humphrey was well? Well, in fact, I think you said he was a stranger, well, you had never met him in the house before that occasion when Jeanette visited. Did it not come as the oldest Jew before you had that telephone call in Germany? Was it the same man who had spoken to you before in international and claims you a year Jewish Congress Secretary?

A. Probably, I thought it was.

Q. You thought it was?

A. Yes.

Q. Well, why, if that was the Humphrey who had been your Congress Secretary for years throughout the world - - - that's why the point of Humphrey saying you had never met him in your life?

A. I don't know what was in his mind. I only know that in conference was what he said. He was displeased with me.

Q. He was displeased with you because you had by your own responsibility [illegible] meeting the Jewish [illegible]

A. Yes, that is true.

Q. And, he was denying it, I take it?

A. He was denying it, but I still think it came from him, because I talked to him. I am satisfied of that.

Q. You don't remember what day of the week it was that you were up at your cottage when these two alleged lawyers came to see you, do you?

A. I don't remember beyond the fact that I never was there other than on a weekend and, on this occasion, it was Sunday. I am satisfied as to that.

Q. Do you remember - - I take it that Algonquin Park, the place you go to, is quite a little ways from Peterborough where you live?

A. 128 miles.

Q. Would you go up there for one day at a time?

A. Yes, I often have gone up for one day.

Q. You have often gone up for one day. Do you remember whether you did on this occasion these young men turned up?

A. No, I couldn't say whether I went up for one day. I often did go up for one day, and sometimes for Saturday afternoon and

Q. And, sure is wrong.

Q. And, he was drinking 12.

I was 111

A. He was drinking 12, but I

still was 11 when Pete his, because I talked

to him. I am satisfied of that.

Q. You don't remember what day

or the week it was the you had up at your house

when these two alleged Jaguars came to see you,

do you?

A. I don't remember anyone the

fact that I never was there other than on a

weekend and, on that occasion, it was Sunday.

I am satisfied as to that.

Q. In the beginning -- I mean in

that Algonquin park, the place you go to, is

quite a little way from Huntsville, away

the line?

A. Are sorry.

Q. Would you go up there for one

day or a week?

A. Yes, I often have gone up

for one day.

Q. You have never gone up for

one day. Do you remember whether you did on this

occasion there going one second day?

A. No, I couldn't say whether I

went up for one day. I often did go up for

one day, the weekend for shooting afternoon and

Sunday, and come back Monday morning.

Q. When you are away like that, do you put in your diary every time you are away that you had a day of rest, or what do you put?

A. I usually enter it as a day of rest, but not in every case.

Q. I believe you have already fixed that this conversation with those two men was about three days or so before you heard from Mr. Humphrey, and that was about three days before you received the brief?

A. Something like that, yes.

Q. And, again, another interval of roughly three days before you handed it over to Sergeant Anderson?

A. Yes.

Q. I am calling your attention to the entries in your diary which is for 19 - - Exhibit 109E, and the entry for July 26th, Saturday:

"Duty locally in Peterborough"?

A. Yes.

Q. Does that mean anything? Were you in fact on duty in Peterborough on July the 26th?

A. Well, as I have admitted before, it doesn't necessarily mean that it is true.

Q. It does doesn't necessarily mean anything?

Sunday, you were back Sunday morning working.

Q. When you saw your land lady, do you put in your diary every time you see her that you had a day of rest, or what do you put?

A. I usually enter it as a day of rest, but not in every case.

Q. I believe you moved already from Mrs. McCormick's, didn't you, and you moved about three days before you received the notice from Mr. Humphrey, and that was about three days before you received the notice?

A. Something like that, yes.

Q. And, again, another receipt of rent, dated June 1st, 1929, you moved at once to Fourteen Ambrose?

A. Yes.

Q. I am reading your statement of the situation in your diary which is for 19 - 2 Bulwin Lane, and the entry for July 29th, 1929:

"Very heavily in Petersborough"?

A. Yes.

Q. Does that mean any thing, mean you in fact on duty in Petersborough on July the 29th?

A. Well, as I just mentioned, it doesn't necessarily mean that it is true.

Q. It was doesn't necessarily mean anything?

A. No.

Q. Does the next thing mean anything, "Sunday - day of rest"?

A. Well, it is the day of rest; I don't know whether I rested or not.

Q. Are you in the habit of putting in your diary "Sunday- day of rest" whatever you are doing; is that it?

A. Yes.

Q. And, then, I notice that on Monday, the next Monday, July 28th, it also says, "Duty locally in Peterborough"; is that right?

A. Yes.

Q. So that if this diary is correct, you would have been in Peterborough on both Saturday and Monday of that particular week; is that right?

A. Yes.

Q. Then, August the 2nd, it appears to be another Saturday, the following Saturday, "Duty locally at home all day". That is a little fuller; it says you were at home all day August the 2nd?

A. Yes.

Q. And, then, Sunday, the traditional entry, apparently, "Sunday- day of rest". And, then, "Duty locally." Is that correct?

A. That is correct.

Q. That means, I suppose, or

does it mean, you were in Peterborough on Sunday and Monday of that week end of August 2nd - - 4th, or is this again an entry that is totally meaningless?

A. It might very well be wrong.

Q. It might very well be wrong?

A. Yes.

Q. Is that xx in your handwriting, that entry?

A. Everything, to the best of my knowledge, is in my writing.

Q. Yes. It does puzzle me a little bit, that as a senior police officer you would make entries in your own diary that are absolutely meaningless, because that is meaningless, isn't it, because you say, "On duty locally" would not necessarily mean on duty in Peterborough or within a hundred miles of Peterborough, would it?

A. Well, it would mean locally, around Peterborough.

THE COMMISSIONER: Q. It would not mean you were on duty in Algonquin Park?

A. No, it would not mean I was on duty in Algonquin Park.

MR. ERWIN: Q. With regard to that entry, is that with an intent of concealing something that it is put in in that way?

A. No, it is not for that

purpose, I assure you.

Q. And, if those entries are incorrect, you would have been in Algonquin Park on the Sundays of those weekends?

A. Well, if those entries are incorrect, perhaps others are, too; I could have been anywhere.

Q. Well, now, you have been and are, I take it - - Have been - - For a long time quite well acquainted with the late Minister of Mines, Mr. James Maloney; is that right?

A. Yes, I have known Mr. Maloney most of my life.

Q. And, have you visited him at his home?

A. No, I have never been in his home.

Q. I see. Has he visited you at your home?

A. Yes, he has.

Q. Has he visited you at your summer home up at Algonquin Park?

A. No, he never has.

Q. Never did?

A. No -- I am wrong when I say I have never been at his home if his cottage is described as his home, but I have been to his cottage, but not at his home in Renfrew.

Q. Yes, at his cottage, where is

his cottage?

A. It is at Barries Bay.

Q. Barries Bay?

A. Yes.

Q. Would I be putting it wrongly to say you were well acquainted with him?

A. Oh, yes, I was well acquainted with him.

Q. I presume that you would know that he was - - that his position - - that he was the Minister of Mines in 1958?

A. Yes, I know that he was the Minister of Mines.

(Page 2760 follows)

MR BREWIN: Q. Did he by any chance request you to pass on this brief?

A. No, he certainly did not. Of that I am absolutely positive. He never talked to me about anything of the kind.

Q. If it was reported by Wright and Scott that this particular brief was given to you by James Maloney, "the present Ontario Minister of Mines," that would not be correct?

A. That would certainly not be correct.

Q. Did you see Mr Maloney at or about that time?

A. Oh, I wouldn't be able to say. He often called in at my house when he was going through. His wife comes from Peterborough. He has often been there. I couldn't say when he called to see me but he did call quite frequently.

Q. There is one detail I meant to ask you about. When you visited Mr Maloney did you fly on any occasion?

A. Never.

Q. When you were at Mr Maloney's cottage do you remember ever seeing an aircraft at that time?

A. I never stayed there.

Q. You didn't stay there?

A. I never stayed overnight. Is that

what you mean?

Q. Yes.

A. No, I never did.

Q. When you were there did you have occasion at that time to notice an aircraft?

A. At Maloney's cottage?

Q. Yes.

A. No.

Q. You didn't notice one?

A. There never was one when I was there.

Q. There never was one?

A. I never saw one when I was there, no.

Q. If I may turn to another subject, it is clear, is it not, that there were two officers connected with the anti-gambling squad that you in one way or another invited to come down and take positions on your staff, in your division, and they were Hatch and Shrubb?

A. Yes. That has been said here.

Q. That is true, too, isn't it?

A. I certainly don't agree with it in substance, that it was my idea and my idea alone. Those men were, whether by reason of purpose — they certainly talked to me and indicated to me they wanted to come to my district. I hope sincerely they don't deny it because that is true.

Q. Is it a mere coincidence that both of these officers on the anti-gambling squad were said to be men particularly presenting a great problem to Fuelay and MacDermott; is that just sheer coincidence?

A. Yes, as far as I am concerned. If they were active on the anti-gambling squad they would also be active in my district and that would be the type of men I want.

Q. Let me give you the information we have on that. I am calling to your attention an item in the report of Mr Scott where he reported that he was told by Police Constable Wright on the 13th of March as follows:

"I asked Constable Wright why The
"Thieves did not start a gaming
"house in the Windsor area where
"there was suitable clientele.
"He replied that one reason was
"that they were scared of Sgt.
"Hatch. Constable Wright said
"'Some day I will tell you a story
"about Windsor.' I then went on to
"say 'It is a wonder that the
"Commissioner does not stop to think
"of the ineffectiveness of the
"efforts of the anti-gambling
"branch in connection with the

"club in Windsor. Then when it
"is put in the hands of Sgt. Hatch the
"club is put out of business."
Is it just a coincidence then, when you were trying to get Mr Hatch down to your division in Peterborough, that he was one who was particubrly effective and that The Thieves were scared of him; that is just a coincidence, I take it?

A. At the time that I was talking to Sgt. Hatch I don't think the club was in operation. At least, that is what he told me anyway.

Q. Let us come to Shrubb. Is it a coincidence -- let me see, the date you had these interviews and discussions with Shrubb was, as I recall it, July of 1955; am I right?

A. About that time, it should be.

Q. I'm sorry, June of 1955?

A. Yes, that would be correct, I think.

Q. Did you know former Sgt. Cronin?

A. I knew him to see him. I never had any -- I didn't know him well at all. I never knew any of the anti-gambling squad quite well.

Q. Is it another coincidence that

efforts were made by the Thieves, if I may call them that, Feeley and MacDermott, to get Shrubb interested with them in motels and propositions were being made to him in May of 1957 just a few weeks before you invited him down to Peterborough; is that too just coincidence?

A. I didn't know that that had occurred.

Q. I want to go over with you a few matters that Cpl. Shrubb, as he then was, has reported and ask you if you were aware of these matters. You first got to know Mr Shrubb in connection with an offer of employment of a man named Miljus as a proposed undercover man in Peterborough, did you not?

A. The Department did contact me to make arrangements for employment of an undercover man.

Q. I will put it to you this way and see ---

A. It might have been Shrubb who contacted me.

Q. Perhaps you can tell me if this is correct: on April 29th, 1955, a report was made by Mr Shrubb that early in 1955 the -- well, I will read this:

"Early in the year 1955 the anti-
"gambling branch carried out investigations

"in the City of Peterborough with
"respect to punch-boards
"and a large number of merchants
"were charged and convicted.
"It was at this time that I became
"acquainted with Inspector A.
"Stringer. We had received
"complaints about the Tisdale Club
"operating as a gaming house, in
"Peterborough, and through my
"conversation with Inspector
"Stringer, I asked if he thought
"he could place an undercover man
"in the city, for the purpose of
"working on the club."

Do you recall that?

A. Yes; not by date or time; I remember such a conversation. I remember that such a conversation took place.

Q. I don't know whether you can help us on this matter at all; in his report of May 3rd, 1955, or perhaps I should say this, under that date the following statement is made by Mr Shrubb; he says he was offered money by one John Francis Cronin in connection with three clubs to be operated, and he continues:

"He further stated he has reason
"to believe my name was 'being
"used' in the Peterborough area,

"by a person whom he could not
"name but felt I know to whom
"he was referring as being a
"person who would condone an offer such
"as he had suggested".

Do you know anything about that?

A. No.

Q. You don't know any officer in the Peterborough area who would condone an offer being made to Cpl. Shrubb?

A. Never heard of it. I never heard of it at all.

Q. (reading)

"I advised him I was not certain
"what he was referring to when he
"mentioned the connection I may have
"with persons in Peterborough and
"asked if the person to whom he
"was referring was a member of
"this force, Ontario Province
"Police. He said the person was."

A. Yes.

Q. You don't know any member of the Ontario Provincial Police that he could be referring to?

A. No, I do not.

Q. (reading)

"And that he was a man who knew
"Trimble (Staff Inspector Trimble)
"very well".

A. Yes.

Q. I assume you of course would know Staff Inspector Trimble very well?

A. I take it from the inference there he is talking about me, but it is not true. I do know Trimble, of course.

Q. He continued:

"And further that I had no reason "to fear from them. He said I had "nothing to fear but the person "concerned was inclined to drink "heavily and when he did so he "was very mouthy".

Do you suggest that might be referring to you too?

A. No, sir; anybody who suggests I drink heavily would be very wrong.

Q. Very wrong?

A. Yes, indeed. There are a hundred men work under my supervision and I defy any of them to say they have ever seen me intoxicated or partly so. It is not true at all.

Q. You originally thought that the reference was to you but you say this reference is either not to you or it is quite unjust, in any event?

A. When he mentions being a friend of Inspector Trimble's, I take for granted that is me because I am afriend of his.

Q. Then a note in Mr Shrubb's report:

"June 7, 1955: Following the "securing of Constable M. Miljus' "undercover investigation in "Peterborough and the statements made "by John F. Cronin and then "receiving a telephone call from "Inspector Allan Stringer requesting "me to meet him I became a little "alert as to what he may wish to "see me about."

Now, the suggestion, I may say, in this report of Cpl. Shrubb's is that you first of all called him by telephone, you initiated the discussion of his coming on your force by telephone. Is that not correct?

A. I don't follow that at all, sir.

Q. Well, it is an item under June 7th. It says:

"Then receiving a telephone call "from Inspector Allan Stringer "requesting me to meet him, I "became a little alert as to what "he may wish to see me about."

A. Mr Shrubb had received a telephone call?

Q. From you, yes. This is the first time he mentions a series of meetings with you

at the St. Regis Hotel or a meeting at the St. Regis Hotel.

A. And that had to do with his possible transfer to my district?

THE COMMISSIONER: Yes.

MR BREWIN: Q. And the suggestion here is that that discussion was initiated by a telephone call from you to Shrubb. Now, is that correct or not?

A. No, that would not be correct, sir.

Q. It is not true?

A. No, that would not be true.

Q. Definitely not true?

A. I have sworn that the first knowledge that I had of his wanting to come to my district, talking about coming to my district, was in the office of the Ontario Provincial Police, in the staff-sergeants' office, and the suggestion came from Corporal Shrubb.

Q. Then the memo goes on to say:

"Not wishing at this time to place "anything in my diary which would "mean anything to any other person "who may look at it, I placed "the circle and letters, as "indicated, on page dated June "7th. This matter was drawn to "the attention of Sgt. John

"Anderson, when entered".

It appears that Mr Shrubb was a little suspicious about this telephone call from you because he says he makes a circle and letters and tells Anderson about it. Do you know of any reason why he should have been suspicious?

A. No, I do not. I certainly do not.

Q. (reading)

"Then following the call from
"Inspector Stringer I asked him
"where he would like to meet me to
"talk to me and he being a
"District Inspector I felt
"it was my duty to go out of my
"way to accommodate him.
"It was agreed I would meet
"him at the St. Regis Hotel."

A. In effect he is saying that a meeting did not take place at the office of the O.P.P.?

Q. He is not saying that the meeting did not take place; he is just saying that your discussion with him about going to Peterborough was initiated by a telephone call from you followed by an appointment to meet at the St. Regis?

A. I took the liberty of discussing and asking Sgt. Palmateer if he remembered the

incident ---

THE COMMISSIONER: Well, never mind that.

MR BREWIN: Q. I am not interested in that.

THE COMMISSIONER: We don't want now what Palmateer said.

MR BREWIN: Q. Just tell us what you know.

THE COMMISSIONER: He has said several times now that the discussion about Shrubb's possible transfer to Peterborough was not initiated by him.

MR BREWIN: Yes, but I think in fairness, he has someti es changed his mind when reminded of certain things.

THE COMMISSIONER: Well, you have reminded him. He says that that is not so.

MR BREWIN: Thank you.

Q. And then ---

A. I could very easily be wrong about things that happened, five, six and seven years ago. I haven't made notes of anything, drawn circles around things to indicate what my opinion was or what I thought, who I was suspicious of or anything else. For a certainty there is no association between Shrubb and I with a view to his removal from the anti-gambling squad either at the request or

suggestion of any gamblers. And the indication, the suggestion by you that there is any association would be entirely wrong.

Q. Well, somebody else may have to decide that.

A. I realize that.

Q. I will just go on with this because I want -- I understand your evidence to be that at this St. Regis Hotel meeting with Cpl. Shrubb, as he then was, that you had found out that there was no place for him and came up to tell him that. Am I wrong?

A. To the best of my recollection I was there but I don't think....

Q. That was the purpose; you had come up to say that this suggestion that he come to your division and the discussions you had with him were not working out and there was no place for him in your division; is that right?

A. That was right. I didn't say there was no place but the place in Cobourg would not be available. They would not make a man at Cobourg ,--

Q. I want to read this to you. I assume it is wrong but just in case the recollection may change your mind a little I will read it:

"I went to the St. Regis Hotel

"and met Inspector Stringer in

"the lobby, it was a warm night, and
"we walked outside and south on
"Sherbourne St. I had left my
"car in front of the Police
"College at 295 Sherbourne St.
"as the parking spaces in the St.
"Regis Hotel area were few.
"As we walked, Stringer stated
"he had something to ask me,
"and after giving due thought
"to the matter he decided to ask me."

Do you remember walking along Sherbourne Street with Corporal Shrubb this warm evening and as you walked along saying that you decided that you had something to ask him and after giving due thought you decided to ask him?

A. Decided to ask him?

Q. Yes;"hm". "Decided to ask him".

A. No, I don't remember that conversation. I remember walking out of the hotel but I don't remember those words.

Q. Well, are you saying that they didn't happen or are you just saying you do not remember?

THE COMMISSIONER: Saying what did not happen?

MR BREWIN: Q. (reading)

"As we walked Stringer stated
"he had something to ask me and after

"giving due thought to the matter
"he decided to ask me".

You say that you did not say those words, do you, to Shrubb, as you walked down Sherbourne Street at that time?

A. I say I don't recall having said them. If I did, it couldn't have been sufficiently important to remember it.

Q. I see. Well then, perhaps in fairness to you I should read what it says was the matter you decided to ask him about. It says:

"He stated he had an opportunity
"to know of my work and as he
"wished to create a position in
"his district which called for
"the rank of a sergeant he would
"like me to consider a transfer
"from the gambling branch to fill
"this position".

A. No, that would not be true. That was not true because the discussion regarding his possible promotion, which I said only he could arrange, not me, because I would like to have him come to Cobourg, if the Commissioner was favourably disposed towards putting a man there, that is a sergeant there, and I would still like to have a sergeant at Cobourg but they have not seen fit to put one there.

"Having the Security of the United
States depended on that one."

Your only issue you did not say there would, do you
in hindsight, as you mentioned some alternative issues
as very minor?

A. I say I don't recall having
said that, if I did, it couldn't have been
particularly important to remember it.

Q. I see. Well then, perhaps in
response to you I should read what it says
was the actual [illegible] in my last report,
it says:

"He stepped in and in conversation
"He knew of my work and so he
"[illegible] a [illegible] in
"his [illegible] [illegible]
"the rank of a [illegible] in world
"[illegible] to [illegible] a [illegible]
"[illegible] [illegible] in [illegible]
"[illegible] [illegible]".

A. No, that would not be true. That
was not true because the [illegible] [illegible]
[illegible] [illegible], [illegible] I will [illegible]
to [illegible] [illegible], [illegible] I
[illegible] [illegible] [illegible] [illegible]
of the [illegible] [illegible] [illegible]
[illegible] [illegible] a [illegible]. [illegible] is a [illegible]
[illegible], [illegible] I would still [illegible] to [illegible] a [illegible]
at [illegible] that they [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible].

Q. Well, I will read the next part to you:

"When he came opposite my car
"on Sherbourne Street I suggested
"that we drive down to the water-
"front, where it was cooler, and
"we could further discuss this
"matter. We parked at the
"Canadian National Exhibition
"grounds overlooking the lake.
"Stringer further ---"

Well, first, did you do that on this occasion when you were in Toronto?

A. Did I go there, you mean?

Q. When you were at the St. Regis Hotel?

A. Did I go for a drive with Shrubb in his car?

THE COMMISSIONER: Q. And park out at the Canadian National Exhibition?

A. Yes, I think so.

MR BREWIN: Q. (reading)

"Stringer further stated that he
"wished to have a sergeant in
"his district, to live in one
"of the municipalities along the
"lakefront and to more or less
"supervise the Brighton, Cobourg
"and Bowmanville detachments".

Did you tell him that at that time?

A. Oh, I think I did.

Q. You think you did?

A. I think I told him that. I don't think ——

Q. At this time when you were talking down by the Canadian National Exhibition?

A. No, not at that time. I told him in Peterborough.

Q. Then you didn't tell him that night?

A. I think he's wrong about that. I'm satisfied he is wrong about that because you have mentioned phone calls that followed our meeting in the St. Regis Hotel. It is possible that one of those phone calls, that in one of those phone calls I informed him this would not be possible. I thought it was at the St. Regis Hotel but it may have been at a subsequent date.

Q. Do you really remember what happened at the St. Regis Hotel?

A. Yes.

Q. You told us before, I think, that you informed him then about the difficulties in carrying out this plan. That is what you said. Now, are you saying that might have been in a telephone conversation later and not at this St. Regis Hotel?

A. Well, I am trying to place in my mind exactly when it was I learned that

this would not be possible, and I cannot recall it. I cannot place it in my mind just when it was. If it was prior to the meeting at the St. Regis it was then that I told him. If it was not, if I learned it at a later date, I did notify him as soon as I know myself.

THE COMMISSIONER: Q. Do you remember going out to the Canadian National Exhibition grounds?

A. Yes, I remember going for a drive.

Q. Do you remember what you discussed out there?

A. Well, I know that that phase of the transfer was discussed.

Q. What phase?

A. Well, the fact that he might or might not come to Cobourg.

Q. We are now talking about while you were sitting out in the car at the lakefront?

A. I don't know what in particular was discussed at the lakefront, nor at any particular place in the evening, but I did talk to him in the hotel. We did go for a walk and we did go for a drive and we did park but I don't know where anything was said particularly.

MR BREWIN: Q. Well, I will go over the balance of this report with you just in

case it reminds you. You may be able to help us:

"He ...." -- that is you -- "stated "he did not want this information...." -- and that is about having a sergeant "in charge of Brighton, Cobourg "and Bowmanville detachments -- "he "did not wish this information to "come to the attention of Sgt. "Douglas Wilson who was then in "charge of the Cobourg detachment".

Did you tell him that on this occasion?

THE COMMISSIONER: Or on any occasion?

A. Not as a sergeant because he never was a sergeant while he was there.

Q. Never mind. Don't quibble. Didyou tell him that you didn't want Wilson to know about this?

A. Yes, I think I did.

MR BREWIN: Q. Then this statement:

"He stated that the Commissioner "had always granted him pretty "well everything he requested "and felt that he would do so "on this occasion."

A. I don't think I said so in those words, no.

THE COMMISSIONER: Q. Or in substance?

A. In substance I would say yes. I felt ---

Q. Never mind what you felt. In substance that is what you said to him, is it?

A. That is what I said.

Q. All right.

A. But I did feel if I went to the Commissioner and made a reasonable explanation about what I wanted, that it would receive due consideration. That I felt -- with no assurance that it would be granted.

MR BREWIN: Q. Then we will go on with this then:

"He stated that my acceptance . . ."

This is all on this occasion in the Canadian National Exhibition grounds,

". . . would mean an immediate "promotion to the rank of sergeant "as he had no complement for "another corporal in his district".

Did you make that statement to him?

THE COMMISSIONER: Q. In substance?

A. In substance, yes, I did because he certainly would not come unless he got a promotion. He made that clear. I would like to state at this time that that man was sincere. There could be no doubt about it, that he wanted to come and he wanted a promotion.

MR BREWIN: Q. Well, I think he said so himself, that the promotion was very interesting

to him. I am just considering how far you were ready to go to get him down there, and whether you actually made these suggestions to him. You did?

A. Yes. I would have liked to have had Shrubb as a sergeant at Cobourg. If he is available I would like to have him yet.

Q. I put it to you that still at this interview which started when you came down to the St. Regis Hotel you were asking him to accept a promotion to the rank of sergeant in your district?

A. That would not be true.

Q. That would not be true?

A. No.

Q. Not true?

A. If I follow you correctly, it is that you are indicating that I went to him and said "I can arrange this, I will arrange it, it will be arranged, and you may have the position if you tell me that you want it". That would not be correct.

THE COMMISSIONER: Well now, that has been made abundantly clear.

A. That would not be correct. If I said I would like to have him, that I would try to arrange it, that I would speak to the Commissioner, that might be correct, sir.

MR BREWIN: Q. Yes, but I don't think that the point of my question has been made clear perhaps and that is that at this occasion when you had gone down to the Canadian National Exhibition grounds, after meeting in Toronto at the St. Regis Hotel, you were still discussing with him his acceptance of a position in your division as a sergeant, not that you promised him but you were discussing at that time his acceptance?

A. I would not swear that that is not so because if it was at a later date that I learned this could not be arranged, then it could very well have been that it was discussed there. I do not remember the details of the talk with Shrubb at that time and I do not remember whether I had been told at that time that it would not be possible. But I was subsequently told that there would not be an advancement in rank at the Cobourg detachment.

THE COMMISSIONER: Q. And he wouldn't go unless there was an advancement in rank?

A. And he wouldn't go. And I did tell him either at that date or at a subsequent date that there would be a vacancy as a traffic sergeant. He said he wasn't interested. He was displeased, he didn't want to have anything to do with traffic at all. I feel quite sure that that

was at the St. Regis Hotel but I might be mistaken on that.

MR BRUNIN: Q. Incidentally, have you discussed this brief with anybody since you first saw it; that is the famous brief we are talking about now, the one that you say came through the mail? Have you discussed it with anyone?

A. Oh yes, I think I have. I don't recall who in particular. It never was any secret as far as I was concerned. I have never denied delivering it.

Q. Have you discussed it with any member of parliament or any -- do you recall ever discussing it with a member of parliament?

A. No, I never discussed it with a member of parliament.

Q. Or the Legislature?

A. No; I am certain of that.

Q. Or any representative of the Attorney-General's department?

A. If you regard the Provincial Police as a representative, I probably did, sir.

Q. No; I am not talking about that. No member of the staff of the Attorney-General's Department, the legal staff?

A. No, I never did, not with a member of the ATtorney-General's staff.

Q. I notice at Page 2554 of the evidence you say that you have bought considerable property in the past?

A. Yes. Yes, I have bought quite a fair amount of property.

Q. I am told that there are some 15 properties in the neighbourhood of Peterborough; is that right?

A. What is that again?

Q. Some fifteen properties in the neighbourhood of Peterborough?

A. I think that would be about right.

Q. And do you own a property in Ottawa too?

A. Yes.

Q. Of course you told us, I think, that you soldyour summer cottage to the government?

A. Yes.

Q. Do you recall whatyou paid for the summer cottage that you sold to the government?

A. Yes, I do.

Q. About $500?

A. $750.

Q. You sold it for what?

A. $5,000.

Q. And that ---

A. In fairness to the situation, I

would have to add that the cottage purchased by me for $750 was completely demolished and a new cottage and all surroundings rebuilt, two cottages in fact completely new.

THE COMMISSIONER: Q. What happened? Was the land expropriated or something by the government?

A. It was going to be and I asked them to buy me out because of them locating a public parking grounds just across the river from the cottage. They have now turned my cottage area into a further parking grounds.

MR BREWIN: Q. We have then the fifteen properties in Peterborough and neighbourhood; is that right?

THE COMMISSIONER: Q. That you still own?

A. Oh no, I don't own them now. Are you indicating to me that I now own fifteen properties?

MR BREWIN: Q. Well, I am not sure whether you are the beneficial owner ---

A. I do not own fifteen properties in Peterborough now.

THE COMMISSIONER: Q. How many properties have you presently in Peterborough?

A. I have the home I live in and one other property in Peterborough at the present time.

MR BREWIN: Q. And you did own

at one ---

THE COMMISSIONER: Q. Is it a residence?

A. Pardon?

Q. Is it a residence, this other property?

A. My residence. I own my residence and another property.

Q. Another residence?

A. Another residence which is a double house rented to two tenants, my lord.

MR BREWIN: Q. Do you have any interest in other properties in Peterborough?

A. I hold mortgages on places I have sold, bought and sold, yes.

Q. Do you have any properties that are yours but in your wife's name?

A. That is — I think the home we live in is in her name.

Q. The house you live in is in your wife's name?

A. Yes.

Q. Are there any others?

A. I would have to check on that. I do not go into that ---

THE COMMISSIONER: You are going to be pursuing this?

MR BREWIN: Yes.

THE COMMISSIONER: Well, if you are going into that further I think we might

better adjourn now. I see it is getting on to one o'clock.

MR BREWIN: Yes. Very well. Thank you, my lord.

---Whereupon the Hearing adjourned at 1.00 P.M. until 2.15 P.M.

(Page 2790 follows)

---On resuming at 2:20 p.m.

---The witness, J.A.STRINGER, resumed stand.

MR. BREWIN: Inspector Stringer, at the adjournment I was asking you about your property holdings which you said were considerable. I do not want to waste the time of the Commission going into it in detail, I wonder if you would furnish us with a list of your properties at some time, with which you have an interest, or had an interest, in the last few years, or your wife or any close relative.

THE WITNESS: Any member of the family, yes.

Q. Would you mind doing that, and I do not need to question you at length about that.

A. I have gone over it in my mind while at lunch, and the number of properties - -

Q. I am not asking you to give us the list now.

A. I think I can give the list now.

Q. All right.

A. There are ten properties in all, in Peterborough, which I have owned and sold, and two of which I still have - one with which I live in.

Q. What about the other one in

Florida?

A. That is in addition.

Q. And the one in Florida?

A. Yes.

Q. And is that all?

A. Pardon?

Q. Is that all?

A. That is all I have at the present time, yes.

Q. Perhaps I would like to ask you this question, have you had any other source of income in the past few years other than your salary as a police officer?

A. I have had some money, quite a reasonable amount of money, for quite a number of years. I have bought these houses and property, my wife and my family, we have cleaned and rennovated old houses, painted, the electrical work, the plumbing and so on, and every bit of profit could be accounted for in very hard work done by myself, or some other member of my family.

Q. That sounds almost as if you had made a business out of it.

A. Well, there has been ten properties in eleven years, one which is my present home. It is a stone house, and I picked and split every stone in it myself. I have worked very hard on it.

THE COMMISSIONER: You were asked if you had any other source of income besides your salary?

THE WITNESS: Other than monies, investments and such like, that is mortgages, I have no martgages outside of property which I have bought, rennovated, and sold.

MR. BREWIN: Didyou inherit money, or how did you start this investment business?

A. Yes.

Q. I gather a salary for a police officer is not very large, and I just wondered if there was some other source of income which you can tell us about?

A. No, there is not any other source of income. I got some money from home, yes, but not a lot.

Q. You have been down to Florida Quite recently, haven't you?

A. I was down there all winter, - I should say - excuse me - January the 10th to March the 23rd.

Q. I suppose that would not be regardded as a local duty, would it?

A. I have not recorded it at all.

THE COMMISSIONER: Is that your annual vacation?

THE WITNESS: No, sick leave, your lordship.

MR. BREWIN: I see, and I maybe quite wrong, but I have been informed that one of your constables was with you during all this period?

THE WITNESS: No, not all theperiod. He was down there for two weeks.

Q. Yes?

A. Fred Goody.

Q. For what purpose was that?

A. To help me on renovations of the house.

Q. Which?

A. To help me on renovation of the house.

Q. In Florida?

A Yes.

Q. Did you pay him?

THE COMMISSIONER: Was he on holidays?

THE WITNESS: Yes, he was on holidays. I did not see anything wrong with it at all.

THE COMMISSIONER: Not if he was on holidays.

THE WITNESS: I paid all his expenses.

MR. BREWIN: He was on holidays?

THE WITNESS: Yes, of course he was on holidays. I don't take men that far away when they are not on holidays.

Q. That is the explanation, and I accept it.

THE WITNESS: Well, it is true.

Q. I think that is all, thank you.

THE COMMISSIONER: Have you some questions, Mr. Wilson?

MR. WILSON: Yes.

THE WITNESS: May I qualify that last statement. Not only was one constable there, but there were two constables there.

MR. BREWIN: The both of them were on their holidays?

THE WITNESS: One went down with my son - I do not want to be asked about that later - onewas down with my son, when Goody and my wife arrived, and he helped me.

THE COMMISSIONER: Was he on holiday too?

THE WITNESS: He was on overtime, yes.

MR. BREWIN: What is that?

THE WITNESS: Completely free of the job, completely. He was at liberty to go where he wanted to. He went down to Florida two weeks before, with my son, and I arranged transportation for him back as well as the other one.

MR. BREWIN: Thank you.

EXAMINED BY MR. WILSON:

Q. You told us yesterday about a possible explanation that you had given Inspector Graham about these calls from Crescent 8-2538 to your home telephone on May the 13th, and May the 19th, 1958. Now, is it not a fact that you also told Inspector Graham that you had made some arrangements to meet this Joseph McDonald, the realtor in Florida?

THE WITNESS: Yes.

MR. WILSON: Q. And what was the hotel in Florida that you were to meet him at?

A I could not remember at that time, and I can not remember yet, whether it was one of the bigger hotels in Florida.

Q. And what part of Florida?

A. Miami.

Q. In Miami?

A. Yes.

Q. And I took it from your evidence this morning that you were in Florida in 1958, in the early part of the year?

A. My memory does not serve me that well, I have been in Florida every year - - -

Q. I think your diary helped you this morning a bit - - your diary for 1958?

A. Well, the period it would show as my being on holidays, that is when

I would be in Florida.

Q. Your evidence this morning was February - - part of February and March of 1958.

A. I am reasonably sure that that is right.

MR. MacKINNON: The end of February.

THE WITNESS: That is correct.

THE COMMISSIONER: What is correct?

THE WITNESS: Part of March and part of February.

THE COMMISSIONER: Well, start with February. When did you leave for Florida in February?

THE WITNESS: My annual leave started on February the 24th, and that most likely was the day I went to Florida.

THE COMMISSIONER: And when did you get back?

THE WITNESS: I returned to duty on March the 8th.

THE COMMISSIONER: March the 8th?

THE WITNESS: March the 8th.

THE COMMISSIONER: March the 8th, 1958?

THE WITNESS: Yes.

MR. WILSON: Well now - - - -

THE COMMISSIONER: That would be two weeks?

THE WITNESS: Yes.

MR. WILSON: Now, when you were down in West Palm Beach, did you go to this hotel in Miami, where you expected to meet this man, McDonald?

THE WITNESS: I don't think it was in 1958 even that I was to meet McDonald.

THE COMMISSIONER: That was the year of the telephone call, so Mr. Wilson says.

THE WITNESS: When I talked with Chief Inspector Graham, he did not tell me when these telephone calls were placed, and I did not feel I was at liberty to ask. I said that only in reply to his question, "Do you know of any phone calls with which you can associate - - which you can account for these calls listed", but he did not tell me.

THE COMMISSIONER: Yes?

THE WITNESS: And I did not ask him the dates, but, I was looking at the overall view of when I would have received any number of calls, and I thought the reference was to a number of calls, and I did receive four or five calls, probably, from these people.

THE COMMISSIONER: McDonald?

THE WITNESS: Yes, and that is the only people I could think of that I received several calls from at the house, that I could not properly account for.

MR. WILSON: Well now, will you just

answer my question. When you were at West Palm Beach, did you go to Miami to a certain hotel in respect to meeting this Mr. McDonald?

A. Yes, I did.

Q. And was your wife with you?

A My wife was with me.

Q. And did you meet Mr. McDonald?

A. No, I didn't.

Q. And did you find out whether he had ever been registered there?

A. He had not been registered, and my wife went to the hotel - - I was not able to get a parking space - she went into the hotel and told me when she returned that he had been paged.

Q Well, then, what year was that?

A. I cannot fix that definitely in my mind, but it would be before 1958, that I am certain.

Q. It would be before 1958?

A. Yes, and I think quite some time before.

Q. And did you ever meet or hear from this Joseph McDonald after your attempt to meet him in this hotel in Miami?

A. No, I never heard from him since. I feel with an absolute certainty that there is no connection between that and these phone

calls, now since I know the dates.

Q. Would it be fair to say that any calls that Joseph McDonald might have made to you in Peterborough, would have no connection with the two phone calls that I speak of in May, 1958, from Crescent 8-2538?

A. Now since I know the dates, I would say definitely that there is no connection.

Q. There has been some talk about a funeral - - -

THE COMMISSIONER: Just one moment. These calls to this Crescent number, which has been referred to several times, were not calls from McDonald?

THE WITNESS: I could not possibly associate them with McDonald.

THE COMMISSIONER: They could not if they were in 1958, and Mr. McDonald had called you an earlier year?

THE WITNESS: I am certain it was before that time.

THE COMMISSIONER: Have you any explanation of these telephone calls to this Crescent number?

THE WITNESS: No, I have not. I certainly have not.

MR. WILSON: There was some reference this morning to a funeral attended by you of the

late Staff Inspector Thomas Wilkinson?

A. Yes.

Q. And I think it was suggested that the funeral took place in July the 8th, of 1958?

MR. MacKINNON: I did not give a date, to be fair to the witness, I said July, or August.

MR. WILSON: Yes, I just want to clear it up.

THE WITNESS: Well - - - -

MR. WILSON: I show you an annual report of the Ontario Provincial Police for the year 1956, which is Exhibit No.36E, and as is customary, there is an in memoriam page, and in this particular report the first reference is to Staff Sergeant Thomas Wilkinson, July the 8th, 1956.

A. I was at the funeral.

Q. You were at the funeral?

A. Yes.

Q. And with this report before you, does that fix definitely the date of his death?

A. Yes, July the 8th.

Q. Of 1956?

A. Correct.

Q. July the 8th, 1956?

A. Yes.

Q. Now, in following your evidence

this morning, you said that you gave certain instructions to Corporal Rawlings about getting something, or getting this brief, or some part of the brief, from Sergeant Anderson?

A. Yes, I asked him to drop in, and I did not give instructions, I asked him to drop in.

Q. And as I recall your evidence this morning, you said to him, "If you cannot get the whole brief, get certain parts". Now, what parts did you suggest to him that he get, if he could not get the whole brief?

A. I don't think that is just exactly how I worded it. To the best of my recollection I told him what I was interested in, in getting back, and that was those points that would be of interest to young constables.

Q May I have Exhibit 109, please. Mr. MacKinnon has handed me a copy of the transcript of yesterday's evidence, where at page 2531 , line 9, you were asked this question:

"Q On February the 12th, 1959,
"did you instruct one of your
"officers - - I think it was
"Corporal Rawlings - - to go to
"Anderson and get that brief?
"A. Not exactly in these words.
"This iswhat I did; Corporal
"Rawlings was coming in to Toronto
"for a new car. I asked him to

"drop in and see Sergeant Anderson
"and if the brief had served its
"purpose, that I would like to have
"it back or if they had any further
"use for it I would like a copy of
"that part pertaining to raids and
"what to look for."

THE WITNESS: Yes.

MR. WILSON: And that is the instructions you gave to Rawlings?

A. That is the request I made to him. It was not part of his duty necessarily, so it was not instructions, but I asked him to do it, and he did go in.

MR. WILSON: Now, there has been introduced in evidence as Exhibit 110, your letter to the editor of the Peterborough Examiner, which appeared in the December 2nd, 1961, issue of that paper. When you wrote that letter, had you read in the press - - - -

THE COMMISSIONER: Let me see that Exhibit.

MR. WILSON: Had you read in the press the report of the speech given by Mr. Wintermeyer in the Legislature on November the 29th, 1961?

A. Yes, I had.

Q. And were you aware that in that speech he had said this at page 101 - in Exhibit No.3:

"Sure is not one Dirksen Amendment
"and if the Grant had served his
Country, that I would like to have
"it back or if they had any further
"use for it I would like a copy of
"that part pertaining to crime that
"was to look for."

THE WITNESS: Yes.

Mr. MILLER: And that is the instructions
you gave to Hamilton?

A. That is the request I made to
him. If was not part of his duty necessarily,
so it was not instructions, but I asked him to
do it, and he did go in.

Mr. MILLER: Now, there has been
introduced in evidence as Exhibit 110, your
letter to the editor of the Fortsmouth Herald,
which appeared in the Sunday Herald,
issue of that paper. When you wrote that letter,
had you read in the press - - - -

THE COMMISSIONER: Let me see
that document.

Mr. MILLER: Had you read in the press
the report of the speech given by Mr. Wiedemann
in the Legislature on November the 20th, 1951?

A. Yes, I had.

Q. And were you aware that in that
speech he had said this on page 101 - in
Exhibit 69,?

"There has been evidence that
"Inspector Allan Stringer, in charge
"of the Peterborough District of the
"Ontario Provincial Police telephoned
"McDermott and others to warn that
"the Anti-Gambling Branch had planted
"an undercover man in gambling
"operations in Hamilton and that
"raids were about to take place".

You know that formed part of his speech?

A. I read that, yes.

MR. WILSON: And again at page 104, of Exhibit No.3, the speech by Mr. Wintermeyer - - -

THE COMMISSIONER: What page was that first one?

MR. WILSON: Page 101.

THE COMMISSIONER: Yes?

MR. MacKINNON: Possibly my friend should read on page 101 further, because it also refers to Mr. Stringer - the next paragraph at the bottom of the page - - -

MR. WILSON: Yes, I was going to come back to that. Again on page 101, at the bottom of the page:

"There has been evidence that
"the Anti-Gambling Branch received
"from Inspector Stringer an unsigned,
"undated brief on how to convict
"the old Ramsay Club in Niagara Falls

"and this brief was actually
prepared by Robert Wright and
"David Humphrey, the Toronto lawyer
"to whom I have already referred.
"There has been evidence that prior
"to the receipt of this brief
Vincent Feeley gave the same
"information orally in several
"telephone calls to W.J.Shrubb,
"then a member of the Anti-
Gambling Squad and now Deputy
"Chief of Police at Peterborough.
"There has been evidence - - - - "

And then it goes on to deal with another matter. You read that in the paper, as reported?

A. Yes.

Q. And then at page 104, there is a reference to the telephone calls from the Crescent 8-2538 to the following numbers - - - and the first one referred to is Peterborough, Riverside 5-6310, "with the tell slip noting the name Stringer". You also read that in the press?

A. Yes.

Q. And was it as a result of reading these references to yourself, and to the brief, in respect to which you had a part, that you sat down and wrote this letter to the Editor of the Peterborough Examiner?

"was thus never not strictly
prepared by Queen's Uniform and
Tartan Department, but Terence Jacobs'
is mine I have already returned.
"Guess has been sitting this period
"at the meeting of this period
Winnie's Daddy gave the room
"Entertainment merely in matters
"Indigenous units in Ex-Lancashire
"and a member of the Auto-
Mobiling Sports and the Grouse
Team of Jellies as Tractomobiles.
"Where are your problems - - - -"

And then it goes on to deal with another matter.
You read that in the paper, as regards?

A. Yes.

Q. And then at page 124, where
in a reference to my Attorney Uniz from the
Grenadiers S-Rgtd to the following numbers - - -
and the first one referred to is Tractomobiles,
Firstness Jellies. Just the full sits matter
the same SSC/Rgtd". You also read that in
the paper?

A. Yes.

Q. And was it as a result of
reading these references to Jowanell, and to
the brief, in regard to which you had a part,
that you sat down and wrote this letter to the
Editor of the Fredericksburg Enquirer

A. Yes, I think that prompted me to do it.

Q. Did anything else prompt you to do it?

A. No, nothing, only that I was - I felt I was being ruffled a bit.

Q. I think that is all I want ofthis witness - - I am sorry, there is one matter that Mr. Brewin brought to my attention, that he wanted me to ask.

THE WITNESS: May I state, that I have been asked this question before.

MR. WILSON: Mr. Brewin, you know what the question is - - - I am sorry - - Yes?

THE WITNESS: I was only going to state that I have been asked this question before, if anyone prompted me, or assisted me - I did in effect write that report.

THE COMMISSIONER: What?

THE WITNESS: I wrote this article to the press, and the answer is definitely no, and my stenographer, Mrs. Goodfellow took the notes on the subject and typed it. Certainly, nobody else had anything to do with it.

MR. WILSON: There is one question that Mr. Brewin has asked me to put to the witness, will you recall - - -

MR. BREWIN: Would you prefer me to put the question to the ~~wkkx~~ witness?

A. Yes, I think that prompted me to do it.

Q. And nothing else prompted you to do it?

A. No, nothing, only that I was - I felt I was being trifled a bit.

Q. I think that is all I want of this witness - - I am sorry, there is one matter but Mr. Jewell wanted it or Mr. Martin, that he wanted me to ask.

THE WITNESS: May I state, that I have been asked this question before.

Mr. MARTIN: Mr. Jewell, put this and your question is - - I am sorry - - That

THE WITNESS: I was only going to state that I have been asked this question before, if anyone photographed me, or analyzed me - I did in different ways that report.

THE CHAIRMAN: Sorry

THE WITNESS: I wrote this article to the press, and the answer is definitely no, and my stenographer, Mrs. Goodfellow took the notes on the machine and typed it. Certainly, nobody else had anything to do with it.

Mr. MARTIN: There is one question that Mr. Jewell has asked me to put to the witness, will you resume? - - -

MR. JEWELL: Would you prefer me to put the question to the witness - Jewell

Mr. MARTIN: Yes, I think that prompted me to do it.

Q. And nothing else prompted you to do it?

A. No, nothing, only that I was - I felt I was being trifled a bit.

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Mr. MARTIN: There is one question that Mr. Jewell has asked me to put to the witness, will you resume? - - -

MR. JEWELL: Would you prefer me to put the question to the witness - Jewell

MR. WILSON: I have not had a chance to read it, you may as well do it.

MR. BREWIN: Very well, thank you. It is something that I overlooked.

THE COMMISSIONER: Haveyou finished, Mr. Wilson?

MR. WILSON: I want to make it clear to the witness, that he may be called back later.

THE COMMISSIONER: Very well.

MR. BREWIN: I have only one question. In the evidence yesterday, Mr. MacKinnon was questioning you about the allegation of a tip-off in the raid of Hamilton, and at page 2605 of the transcript you said:

AA/4 "I don't think he said from "Peterborough, but he said a tip-off. "It wasn't too long until - - - "

You were talking about Sergeant Rawlings telling you about a tip-off.

"I don't thinks he said from "Peterborough, but he said a "tip-off. It wasn't too long "until I learned that I was one "of the people being blamed for "the tip-off."

And Mr. MacKinnon said:

"From whom did you learn this?"

And your answer was: "I do not recall - - It was

"generally -- it was being said - -
"it could have been one of our men
"that were on the raid."

I wonder if you could qualify that. Do you mean by that, that it was one of the men that were on the raid that had suggested that you were responsible forthe tip-off, or being blamed for the tip-off?

A. That would be the only man who did have contact with other men up here. I might state at this time that the fifth man, forthe record, was Constable Douglas Ross - that is the man I was aluding to a minute ago. I have not asked these men if they were the ones who told me. If you wish, I will. It is quite a few years ago. I don't know how I heard it, possibly Corporal Rawlings told me at the time, but I don't recall he did, but he did say on his return that the Anti-Gambling Squad felt that there had been a tip-off. He also said that he could not see any grounds for believing that there was a tip-off, because most of the cars assembled were white cars, with uniformed men, and that they left in a car from a number of cars from our general headquarters and that it would not be difficult to know, and learn, that cars were being massed at a point. Now on his return, he did say that it was felt that there had been a tip-off, but

he did not say at that time, I am certain, that I was associated with it.

Q. Did someone later state that?

A Yes, yes, I certainly - - -

Q. Who was the someone, who was responsible for that suggestion?

A. I don't know if it was general, or someone came to me - I don't think somebody came to me.

Q You said it could have been one of "our men that were on the raid". Do you mean to say one of the men on the raid suggested you were responsible?

A. No, I certainly did not, but one of the men might have told me that he had heard that.

Q. Did you have any investigation made at the time about it?

A. No.

Q. You did not?

A. No, my conscience was perfectly clear on this. I did not phone or contact anybody, or have anything to do with any information that was passed at that time.

Q. It seems strange to me, Mr. Stringer that if someone was blaming you for it, you would pursue the matter, and get to the bottom of it and "scotch" any such rumour, did you do that?

he did not say at that time, I am certain, that I was associated with it.

Q. Did Trudeau never ever say

A. Yes, yes, I certainly - - -

Q. Did not the Commissioner, who was responsible for that suggestion

A. I don't know if it was Commissioner - - - I don't think anyone ever told me.

Q. Did not it would have been did of "not one that went on the wall". Do you mean it only was if the man at the top suggested you take responsibility

A. No, I certainly did not, but one of the men might have told me. There he had heard some.

Q. Did you have any investigation made as this time about it?

A. No.

Q. You did not?

A. No. My conscience was perfectly clear on this. I did not press or encourage anybody, or have anything to do with any investigation at the period at that time.

Q. It came through to Mr. Trudeau that if anybody was blowing the lid, you would pursue the matter, and you to the bottom of it and "scotch" any such rumour, did you do that?

A. No, I did not do that, and I don't think that many members of the Ontario Provincial Police have.

MR. BREWIN: All right, thank you.

THE WITNESS: I think lots of things are said that could not easily be traced - it would go through four or five hands, and so on, and it would just make a lot of bad friends, by reprimanding men on what they heard. Those kind of rumours are not only about me, but lots of others.

MR. BREWIN: All right.

MR. WILSON: That is all, thank you, Inspector.

I now call Chief Constable Shrubb.

MR. BREWIN: I wonder if my friend could call Sergeant Andersen in respect to this diary. Do you propose to call him now?

MR. STRINGER: Am I at liberty to leave?

MR. WILSON: Yes.

MR. STRINGER: To leave the building?

MR. WILSON: Yes.

MR. MacKINNON: Sergeant Andersen was asked to produce his diary today.

MR. WILSON: Well, there is no reason why we cannot clean that up today.

THE COMMISSIONER: All right.

[illegible] Mr. [illegible] and I [illegible] [illegible] [illegible]

JOHN MILLS ANDERSON, recalled:

EXAMINED BY MR. WILSON:

Q. You were asked to produce your 1962 Diary?

THE WITNESS: Yes, sir.

Q. Now if my friends want to ask any questions on it?

THE COMMISSIONER: Well, is there anything in it that you want to insist the diary being read here?

MR. MacKINNON: If you could read the entries here.

THE COMMISSIONER: Suppose you read the entries into the record. Let me see it, please.

THE WITNESS: Yes.

(Commissioner looks at Diary)

THE COMMISSIONER: Can you leave this diary?

THE WITNESS: That is my current diary for 1962, my lord.

THE COMMISSIONER: That is your current diary?

THE WITNESS: Yes, my lord. You can take the leaves out.

THE COMMISSIONER: Would that destroy

JEAN KILLE [illegible], recalled:

EXAMINATION BY MR. [illegible]

Q. You were asked to produce your diary?

THE WITNESS: Yes, sir.

Q. Has it my friends been to ask my questions on it?

THE COMMISSIONER: Only if there anything on it that you want to limit the diary being read here?

MR. MACKINNON: If you could read the material here.

THE COMMISSIONER: Suppose you read the entries into the record. Let us see it, please.

THE WITNESS: Yes.

[Commissioner looks at diary]

THE COMMISSIONER: Can you leave this diary?

THE WITNESS: This is my current diary for 1962, my lord.

THE COMMISSIONER: Have in your current diary?

THE WITNESS: Yes, my lord. You can have the leaves out.

THE COMMISSIONER: Would that serve

the diary?

THE WITNESS: No, my lord.

THE COMMISSIONER: Does that serve your purpose, Mr. MacKinnon?

MR. MacKINNON: Pardon?

THE COMMISSIONER: Does that serve your purpose, if he tears that page out?

MR. MacKINNON: Yes, it will be easily identifiable, or a true copy will do.

THE WITNESS: I can sign that page, if you like.

MR. MacKINNON: Is there anything on the other side of the page?

A. No.

MR. MacKINNON: I have not looked at that.

THE WITNESS: No.

THE COMMISSIONER: Well then, you may tear that page out of the diary. No, you had better have a copy made and keep your diary intact.

MR. MacKINNON: Yes, my lord, I think that will be satisfactory.

THE COMMISSIONER: You can do that?

THE WITNESS: Yes, sir.

MR. MacKINNON: Now, sir, you have read this entry in this diary?

THE COMMISSIONER: Yes.

MR. MacKINNON: Is this witness at liberty to read this into the record?

THE COMMISSIONER: No.

MR. WILSON: Which date?

THE WITNESS: It is here, sir.

THE COMMISSIONER: I will read it. You have read it?

MR. MacKINNON: I have read it quickly, I cannot say I remember all the details right now.

MR. WILSON: We will have that copied.

MR. MacKINNON: And put the copy in?

MR. WILSON: Yes.

MR. MacKINNON: Constable, have you a copy now, of this?

THE WITNESS: No, I have not. I could run it off on the machine down at the office, and have it up here.

MR. WILSON: Mrs. Rogers can do that, Mr. Commissioner.

THE COMMISSIONER: Yes.

MR. MacKINNON: What is the date of that entry, sir?

THE COMMISSIONER: January - what is that?

THE WITNESS: January.

THE COMMISSIONER: Oh I see, yes. Yes, January the 19th.

THE WITNESS: Yes, January the 19th, 1962.

MR. MacKINNON: Now, this entry of January the 19th, 1962, which is only a couple

[illegible]

THE CHAIRMAN: Do.

Mr. Gibson: [illegible]

THE WITNESS: It is done, sir.

THE CHAIRMAN: I will read it.

The Clerk read it:

Mr. McCallum: I have read it carefully, I cannot say I remember all the details right now.

Mr. Gibson: We will have that [illegible]

Mr. McCallum: [illegible]

Mr. Gibson: Yes.

Mr. McCallum: Assuming, have you a copy [illegible]

THE WITNESS: No, I have not. I could run it off on the machine down at the office, and have it up here.

Mr. Gibson: Yes. Anyone can do that.

Mr. [illegible]

THE CHAIRMAN: Yes.

Mr. McCallum: What is the date of that copy, sir?

THE CHAIRMAN: January - what is [illegible]?

THE WITNESS: January.

THE CHAIRMAN: Do I read [illegible]

Yes, January the 12th.

THE WITNESS: Yes, January the 12th.

[illegible]

Mr. McCallum: Now, this copy of January the 12th, which is dated [illegible]

of months ago, and since this Commission was appointed, accurately records, does it, an interview you had with Chief McGill of the Toronto Township Police?

A. That is correct, sir.

Q. And who else was present?

A Inspector Robinson of the Toronto Township Police Department.

Q. Did you make any other report on this matter, other than having it in your diary?

A. Not a written report, I believe I did report it verbally to Chief Inspector Graham.

Q. I see. May the witness now read this into the record?

THE COMMISSIONER: Yes. It is going to be here as an Exhibit. It need not be read.

MR. MacKINNON: May I look at it?

THE COMMISSIONER: Certainly.

MR. MacKINNON: I have only seen it for about five seconds. This was in the morning then, of Friday, January the 19th, 1962?

THE WITNESS: That is correct.

Q. And had you arranged for this meeting ahead of time?

A. No.

Q. Chief McGill was not expecting you necessarily?

of mobile type, and above this Smallwood was superimposed, accurately records, does it, as inscription you believe. Does exist by the Bureau Records Unit?

A. That is correct, sir.

Q. And who did was performed?

A. Sergeant Dunham of the Bureau Records Unit by Sergeant.

Q. Did you make any other reports on this matter, other than having it in your diary?

A. Not a written report, I believe I did report it verbally to Sergeant Dunham.

Q. I see. Did the witness ever have been just the [illegible]?

THE COMMISSIONER: Yes. It is going to be here on an Exhibit. It would not be read.

MR. MACLAUGHLIN: May I look at it?

THE COMMISSIONER: Certainly.

MR. MACLAUGHLIN: I have only seen it for about five seconds. This was in the morning hour, or [illegible] the 12th, [illegible]

THE WITNESS: That is correct.

Q. And had you surveyed for this mailing plant?

A. No.

Q. If Chief Hoffis was not [illegible] you necessarily?

A. No, not necessarily. I would drop in the area and I have done a lot of work out there, and Inspector Robinson and I have worked together.

Q. And you said that, "McGill informed me in confidence"?

A. Well, Inspector Robinson was there. As I say, it was a confidential matter.

Q. And - - can I go on with the next sentence, sir?

THE COMMISSIONER: What is the purpose of all that? All this is going to be put in as an Exhibit, and he said that it accurately records what McGill told him.

MR. MacKINNON: With respect, sir, surely we are interested in perjury, or at least in establishing who is telling the truth, and who is not?

THE COMMISSIONER: All right, Mr. MacKinnon, we have it from this witness under oath that this is what McGill said to him.

MR. MacKINNON: I would suggest that Chief McGill should be recalled on this, because surely he cannot suggest he has forgotten this in two months now.

THE COMMISSIONER: If you want McGill back we will have McGill back, but I am not permitting that to be read now.

A. Yes, not necessarily. I would drop in the area and I have done a lot of work out there, and Inspector McIntosh and I have worked together.

Q. And you said that, "Would informed me in confidence"?

A. Well, Inspector McIntosh was there. At I may, it was a confidential meeting.

Q. And - can I go on with the well documented, sir?

THE COMMISSIONER: What is the purpose of all that? All that is going to be put in as an Exhibit, and he made that clear if necessary [illegible] will tell you.

MR. [illegible]: [illegible] frequently, sir, merely as are interested in policy, or at least in establishing who is telling the truth, and who is not?

THE COMMISSIONER: All right, Mr. [illegible], we have it from this witness [illegible] this is what it will tell us.

MR. MACKINNON: I would suggest that counsel should be training on this, however serious he may suggest he [illegible] this morning then.

THE COMMISSIONER: If you want [illegible] back we will have Mr. [illegible], but I am not permitting that to be read now.

MR. MacKINNON: Presumably we will have the opportunity of asking Chief McGill if he said these things or not.

THE COMMISSIONER: If you want him back we will get him back.

MR. MacKINNON: With respect, the only way I can appreciate getting at the truth, is being able to cross-examine on these matters, to see if there is any truth in them, whether in the first place they were ever said.

THE COMMISSIONER: And what is the innuendo in that?

MR. MacKINNON: There is no innuendo in that, sir.

THE COMMISSIONER: Do you not think that all purposes are properly served by this witness simply saying that that records exactly the discussion he had with McGill?

MR. MacKINNON: May I ask him if there was anything else discussed?

THE COMMISSIONER: Yes.

MR. MacKINNON: Were there any other matters, or elaborations on these matters contained in your diary entry, discussed?

THE WITNESS: No sir, I don't believe there were. There were other perhaps Police matters discussed, but this is - -

THE COMMISSIONER: Not relating to that?

Mr. Pendleton: Personally we will have the opportunity of making that decision if the data there changes or not.

THE CHAIRMAN: If you want the book we will get him back.

Mr. McCLINCHY: With respect, the only way I can appreciate getting at the truth, is being able to cross-examine on these matters, to see if there is any truth in them, whether in the first place they were ever said.

THE CHAIRMAN: And what is the language in dispute?

Mr. McCLINCHY: There is no language in dispute, sir.

THE CHAIRMAN: Do you not think that all purposes are properly served by this witness simply saying that that remarks exactly the discussion he had with McCLIP?

Mr. McCLINCHY: Why I was the if there was anything else discussed?

THE CHAIRMAN: Yes.

Mr. McCLINCHY: Are there any other matters, or allegations or these matters established in your first reply, Sherwood?

THE WITNESS: No sir, I don't believe there has. There were other perhaps minor matters discussed, but this is - -

THE CHAIRMAN: Are replying to that?

THE WITNESS: Not relating to this, my lord, no.

MR. MacKINNON: What I was getting at, is this a summary of what was said?

THE WITNESS: Well yes, not being able to take it all down in writing at the time, I believe this does accurately record what was said in that matter.

MR. MacKINNON: Where did you have this meeting - where were you?

THE WITNESS: In the Chief's office.

Q. In the Chief's office?

A. Yes.

THE COMMISSIONER: In Mr. McGill's office?

THE WITNESS: Yes.

MR. MacKINNON: Was he sitting behind his desk?

THE WITNESS: Well, I would say yes.

Q. And you were sitting across from him?

A. Just across from him.

Q. And Was Inspector Robinson close enough to hear what was going on?

A. By all means.

Q. He was part of the conference?

A. He was part of it.

Q Did he contribute anything?

A To this?

MR. [illegible]: Not relevant to this.

My lord, no.

Q. [illegible]: Just i was getting at, is this a summary of what was said?

THE WITNESS: Well yes, not being able to have it all down in writing at the time. I believe this does accurately record what was said in that matter.

Q. [illegible]: Where did you have this meeting - where were you?

THE WITNESS: In the Chief's office.

Q. In the Chief's office?

A. Yes.

THE COMMISSIONER: In Mr. Boddily's office?

THE WITNESS: Yes.

Mr. McKINNON: Was he sitting behind his desk?

THE WITNESS: Well, I would say yes.

Q. And you were sitting across from him?

A. Just across from him.

Q. And was Inspector Boulanger close enough to hear what was going on?

A. By all means.

Q. He was part of the conference?

A. He was part of it.

Q. Did he contribute anything?

A. To that?

Q. To this conversation, yes?

A. Not to add to this. This is what the Chief Constable had to say.

(Page 2825 follows)

BB/1/AS

THE COMMISSIONER: When did you write that?

THE WITNESS: When I got back to the office, sir.

THE COMMISSIONER: When did you get back to the office?

THE WITNESS: I imagine I had lunch; at 3 p.m. I had a meeting with Professor Morton; therefore, I imagine I got back around 2:30 p.m.

THE COMMISSIONER: Was it then when you wrote that?

THE WITNESS: That is when it would be written in my diary; certainly at 5 o'clock when I went off duty.

MR. MacKINNON: I have nothing else at the present time.

THE COMMISSIONER: Mrs. Rogers, my secretary, might look after that.

THE WITNESS: I will take it around.

MR. WILSON: While the witnesses are still here, there are two matters which still have to be cleared up. And the first is, the 1956 diary, which was put in.

THE COMMISSIONER: Mr. Wilson, perhaps we had better reserve an Exhibit number for this, now.

MR. WILSON: It will be Exhibit No. 111; the diary.

EXHIBIT NO. 111: 1962 Diary of Sergeant Anderson.

THE COMMISSIONER: When did you leave that

THE WITNESS: When I got back to the office.

THE COMMISSIONER: When did you get back to the office?

THE WITNESS: I imagine I had lunch; at 2 p.m. I had a meeting with Professor Morison; afterwards I imagine I got back around 4:30 p.m.

THE COMMISSIONER: Was it then when you wrote down?

THE WITNESS: That is when it would be written in my diary; generally at 5 o'clock when I count off duty.

MR. MACKINNON: I have revolving also as the document stand.

THE COMMISSIONER: Entered Exhibit, by ----------, subject-matter that.

THE WITNESS: I will take it around.

MR. WILSON: While the witnesses are still here, there are two documents which will have to be entered up. And the first is, the 1956 diary, which was put in.

THE COMMISSIONER: Mr. Wilson, perhaps we had better preserve an exhibit number for this.

MR. WILSON: It will be Exhibit No. 111; the diary.

EXHIBIT No. 111: 1956 Diary of Sergeant ----------.

THE COMMISSIONER: Yes Mr. Wilson?

MR. WILSON: When Commissioner Clarke was in the box, the 1956 of this Witness was introduced, and I would like to have it identified.

THE COMMISSIONER: Is it in as an Exhibit, now?

MR. WILSON: It is Exhibit 65.

THE WITNESS: Exhibit 69, sir.

MR. WILSON: Exhibit 69, I beg your pardon. May I see Exhibit 10?

THE COMMISSIONER: Exhibit 10. Have you got that?

MR. WILSON: Exhibit 10, which has certain notations from the diary of this Witness, forming a memorandum dated March the 16th of 1962.

THE COMMISSIONER: Yes?

MR. WILSON: I do not think that has been identified by the Witness; I beg your pardon, that has been identified by the Witness, but there were two further documents that were to be attached to it.

You recall in the evidence that there were two other summaries of notations referred to, one dated January the 18th 1962, and one dated March the 5th 1962. And if the Witness will identify the ones of January of 18th and March the 5th, that could be attached to and form a part of Exhibit 10.

THE COMMISSIONER: Alright.

THE WITNESS: There are two bearing my

signature, my lord; the third one does not have my signature, but I did make out three on these dates.

THE COMMISSIONER: And are those the three?

THE WITNESS: Yes: these are the three, my lord, yes.

THE COMMISSIONER: Alright.

THE WITNESS: And the diary is mine, and since then I have signed my name in there.

MR. WILSON: Inspector Stringer gave evidence yesterday; he made reference to a personal knowledge of an association between Shrubb's wife and Feeley; and that was as far as the matter went. Now, what I want from you, is to know whether or not, at either of the interviews you had with Inspector Stringer, in August of 1958, whether he made any mention to you of any association between Mrs. Shrubb and Feeley?

A. No, he did not.

MR. WILSON: That is all. Thank you.

MR. BREWIN: I wonder, sir ---

THE COMMISSIONER: Just a moment.

MR. BREWIN: I do not want to ask this Witness questions.

THE COMMISSIONER: Just a moment please. Yes?

MR. BREWIN: Sir, I do not want to ask this Witness any questions.

THE COMMISSIONER: Are you through with this Witness? Everybody?

[illegible] so [illegible] the [illegible] [illegible] [illegible]

MR. WILSON: I am. He may be recalled on another date, on other matters.

THE COMMISSIONER: But for the time being?

MR. WILSON: Yes.

MR. MacKINNON: There is one thing from past history that I should have asked, and that is: this recording of the events of January the 19th 1962 not only is an accurate reproduction of what was told him - (to the Witness) told you by Chief Constable McGill, but were those things told to you as facts, or was it a suggestion that it was rumour he was conveying to you?

THE WITNESS: No, there was no suggestion of rumour. It was fact.

THE COMMISSIONER: It was stated to be fact?

THE WITNESS: It was so stated, in those words, yes: that this one person had spoken to him and told him.

THE COMMISSIONER: I see. Alright.

MR. BREWIN: Before my friend calls another witness, I want to make the observation that this last Exhibit is important to this inquiry, and I would suggest that, without trying to say exactly when, that Chief Constable McGill and Inspector Robinson who was present when this inquiry was given, be called before too long so that we can clear it; so that we can clear up this matter.

THE COMMISSIONER: Alright.

THE Witness retired.

MR. STRONG: I see. He may be speaking on another day, on other matters.

THE COMMISSIONER: Not for the same hearing?

MR. STRONG: Yes.

MR. MACDONALD: There is one thing from your history that I should have asked, and that is: did anything of the nature of Discovery the 1962 not only is an accurate representation of what was told him - (to the Witness) told you by MILAC Discovery MOHIL, but were some things told to you as facts, or was it a suggestion that it was reason he was convinving to you?

THE WITNESS: Mr. Lamont has had experience of nature. It was fact.

THE COMMISSIONER: It was stated to be fact?

THE WITNESS: It was as far as I know, in some manner, yes: that than one person had spoken to him and told him.

THE COMMISSIONER: I see. Alright.

MR. STRONG: Before we final with Lamont witness, I wanted to make the observation that that matter is important to this inquiry, and I would suggest that, without trying to say exactly what the Gold Discovery MOHIL and Discovery Diamond are, we called before the Jury as much of it as we can, so that we can close up this matter.

THE COMMISSIONER: Alright.

THE Witness withdrew.

THE COMMISSIONER: Next witness?

MR. WILSON: We are calling Chief Constable McGill - I beg your pardon. Did I say McGill? That is pretty speedy service (laughter).

MR. BREWIN: I did not know my friend is so suggestable.

CORPORAL W. J. SHRUBB, recalled

BY MR. WILSON:

Q. Have you got all the documents and diaries that you need?

A. Yes sir; yes sir.

Q. What was the first time that you ever met Vincent Feeley? And if you need to refer tA.your diaries or your notes, do so.

A. I would say the first time I ever met him was shortly after April the 1st of 1954.

Q. And in what connection?

A. I was the Provincial Police Constable, assigned to duty with the anti-gambling branch, and I would have seen him at the club, at Cooksville.

Q. And I do not want to take up too much time in the year of 1954, but am I right in saying that later in that year, that Constable R. J. Wright and Constable Milius, you had discussion or were present when discussion

MR. WILSON: We are calling Chief Constable Wallil - I see your Lordship. Did I say Deputy? That is pretty speedy service (laughter).

MR. MAYSON: I did not know my friend is so unmanageable.

[illegible]

THE MR. WILSON:

Q. Sound your good all the Commissioner [illegible]

Yes sir, I am.

Q. Were you the Chief Constable [illegible] Deputy Deputy? And if you mean to refer to your duties or your duties, do so.

A. I would say the first time I ever met him was shortly after April 6th of 1964.

Q. And in what capacity?

A. I was the Provincial Police [illegible] immediately, and I would have seen him as the Chief Constable.

Q. And I do not want to take up too much time in the year of 1964, but as I understand that later in that year, Chief Constable [illegible] was [illegible] retired, was not [illegible] [illegible] Commission

took place between Feeley and Wright in regard to payment by Feeley, of damages he had done or caused to Wright's car?

A. Yes. I am not sure of the date now, but it was apparent that Wright, who at that time lived on Riverdale Avenue, had left his car parked on the street and Feeley had someway or other - his car had in some way or another, had come into contact with Wright's car and he presented himself to Wright and offered to make a settlement of the matter; and following that, or as the result of that, I had occasion to go by direction to the Wright residence, and anticipating the arrival of - of Feeley at that residence.

2/AS

MR. WILSON: And why were you

THE COMMISSIONER: When was that?

BY MR. WILSON:

Q. Just look at your diary.

A. Maybe, if you could assist me on that date?

Q. October the 6th, 1954; October the 6th, 1954. It started on September the 28th possibly; possibly that is the starting point.

A. Yes. I have a diary notation on September the 28th of 1954, which reads as follows:

"6:30 p.m. to 9:30 p.m. at the residence "of P.C. Wright; same to be contacted by "Vincent Feeley, re damage done to

[illegible] Pooley and Shields in relation to payments by Pooley, or damages he had done or caused to Shields's car.

A. Yes. I am not aware of the date now, but it was apparent that Shields, who at that time lived on Riverdale Avenue, had left his car parked on the street and Pooley had somehow or other - his car had in some way or another, had come into contact with Shields's car and he presented himself to Pooley and offered to make a settlement of the matter; and following that, or as the result of that, I had occasion to go by direction to the Shields residence, and substituting the brother of - of Pooley at that residence.

Mr. [illegible]: [illegible]

The Commissioner: [illegible]

Mr. [illegible]:

Q. [illegible] at your office?

A. Maybe. If you could assist me on that point.

Q. October the 7th, 1924: October the 8th, 1924. It appeared on September the 30th possibly: possibly that is the morning point.

A. Yes. I have a diary notation on September the 30th of 1924, which reads as follows:

"8:30 p.m. to 9:30 p.m. at the residence of P.G. Shields; came to be convenced by [illegible]

"Wright's car by Feeley the previous
"night. Feeley arrived approximately
"8:15 p.m.; offer of 200 dollars made
"as settlement. Wright to advise Feeley
"of amount of damage and Feeley will
"contact again."

Q. Did you know who Vincent Feeley was?

A. Yes sir, I did.

Q. And what his occupation was?

A. Yes I did.

Q. And then, what further personal knowledge did you have about the settlement of these damages?

A. My diary notation of September the 29th, 1954; I have the notation:

"Wright contacted by Feeley this date,
"approximately 6:00 p.m. re settlement
"of damage."

And that is the only notation.

Q. Why was it necessary for you to be present when this settlement was being discussed?

A. At that time Wright was a comparatively new officer to the branch, and we were of this opinion that this damage may have been more by design than by accident, and that this was maybe some way of approaching Wright, for something other than payment of the damage to the vehicle.

"Mr. Chairman, I rise to a point of order.

"Will the gentleman yield? Will the gentleman yield?

"Will the gentleman yield? Offer of 200 dollars made

"A million dollars. Offer of million dollars made

"of amount of damage and Penalty will

"Another light."

Q. Did you have the Tribune Tribune

was:

A. Yes sir, I did.

Q. And what his conversation was?

A. Yes I did.

Q. And then, was further conversation

involving the two bars above the architrave of

Lincoln Monument.

A. My direct recollection of September

the first, 1911? I have the memorandum.

"Weight suggested by Tribune Tribune Bldg.

"Architraves first give us architraves

"for Lincoln."

and then in two only sketches.

Q. Why was it necessary for you to

be present when THE architraves had being

illuminated?

A. At that time Wright was a consulting

civil engineer officer to the Lincoln, and we were of

THE opinion that well through our heads that lines

by design than by accident, and that this was

simple some way of supporting Wright, for

accidently closer than payment of the cornice by

the Daniels.

Q. You have mentioned the 200 hundred offer; and what in fact was the damage? What was the cost of the repair?

A. I do not think I ever made a notation of that; but if my memory serves me the 200 dollar figure was much in excess of the actual cost of repair.

THE COMMISSIONER: Was it Wright's own car or was it a police car?

THE WITNESS: No, it was Wright's personal private car, my lord.

BY MR. WILSON:

QQ The figure I have noted, was 85 dollars.

A. I was thinking of 73 or 75 dollars; but that is only as my memory serves me.

THE COMMISSIONER: Did he settle for 200 dollars?

THE WITNESS: No, my lord, he did not.

THE COMMISSIONER: He was offered 200 dollars?

THE WITNESS: He was offered 200 dollars. On the first arrival.

BY MR. WILSON:

Q. But he settled, did he, for the actual cost?

A. This is my recollection, and this settlement was made. I recall going out to New Toronto, or Mimico, or one of those places

Q. Did you participate in the [illegible] library, and make it just as pleasant that and the cost of the wedding?

A. I do not think I ever made a resolution of kind; but if my memory serves me the [illegible] actual cost of remain.

THE CHAIRMAN: Was it Bridgeville one or the 17 a [illegible]

THE WITNESS: No, it was Bridgeville personal [illegible] by [illegible].

BY MR. [illegible]:

Q. Did flight I [illegible] [illegible] [illegible].

A. I was [illegible] of 73 or 75 [illegible]; but that is only as my memory serves me.

THE CHAIRMAN: And he [illegible] for the [illegible].

THE WITNESS: No, [illegible] [illegible] [illegible].

THE CHAIRMAN: [illegible] [illegible] [illegible].

THE WITNESS: [illegible] [illegible] [illegible] in the first [illegible].

BY MR. [illegible]:

Q. Just be [illegible], did [illegible] the [illegible]?

A. That is my recollection, and that [illegible] was [illegible]. I recall [illegible] [illegible] to [illegible] Secretary of [illegible] or [illegible] [illegible].

in an effort to locate Feeley at a premises we thought he kept out there, or a cigar store; and were unsuccessful in that; and at some later date, I drove Wright down to Eatons store: I believe it was the Queen Street store and it was there that the settlement of the actual damage was made.

THE COMMISSIONER: And how much money?

THE WITNESS: I believe it was for the actual cost of repair, my lord.

THE COMMISSIONER: I know; and how much was that?

THE WITNESS: That was something I have not gotten, or I do not know; but I was thinking in the vicinity of 73 to 75 dollars; Mr. Wilson suggested it was 80 some, but I have no way of recalling that.

BY MR. WILSON:

Q. Was that the extent of your contacts with Feeley in 1954?

A. (looking through diary) I had -- I had no further personal contacts with him, or by way of telephone or anything of that nature, sir.

Q. Where were you stationed in 1954?

A. I was stationed in Toronto, from April the 1st of 1954; this is when I came to the anti-gambling branch.

Q. Yes.

A. And the months of January,

in an effort to learn Fowler as a producer we
brought in Hugh-Jones temporarily a slight change;
but very successfully in that; and at some
later date, I drove Hughie over to Fowler
studio. I believe it was the first record since
the 19-mm. Gone Blues the application of the
natural energy was made.

THE CHAIRMAN: Had the vocal accompany
THE WITNESS: I believe it was for the
actual date of record, my friend.
THE CHAIRMAN: I know; and how much
was that?

THE WITNESS: That was something I have
not written, or I do not know; but I was
thinking in the vicinity of 75 to 75 dollars;
no. Wilson suggested it was 50 cents, but I
have no way of recalling that.

BY MR. WILSON:

Q. Was that the extent of your
relation with Fowler in 1927?

A. (Looking through diary) I
had -- I had no further personal contacts with
him, or by way of telephone or recording of that
nature, sir.

Q. Where were you stationed in 1928?

A. I was stationed in Toronto, from
April the 1st of 1928; this is when I came to
the anti-rumbling branch.

Q. Yes.

A. And the months of January,

February and March I was stationed in Chatham.

Q. Yes. And then in 1950 you continued, after that, to be stationed in Toronto.

A. Yes I did.

Q. And in 1955 did you have any contacts with Vincent Feeley?

A. (Witness looking through diary) I do not believe that I did, sir.

Q. And coming to 1956, did you have any contacts with Vincent Feeley.

A. Yes I did.

Q. How did your first contact with Feeley in 1956 come about?

A. I have a diary of August the 18th 1956, which reads; it was one of my weekly rest days and it reads:

"Contacted by Vincent Feeley 11:30 p.m.
"this date, and wanted to talk over
"matters re bribery. Said he had
"talked with D. Lloyd."

Q. Is it 10:30 or 11:30? My note says 10:30.

A. My diary says 10:30 too, sir.

Q. 10:30?

A. Yes.

THE COMMISSIONER: Contacted by what?

THE WITNESS:

"Contacted by Vincent Feeley 10:30 p.m.
"this date, and wanted to talk over

February and March I was stationed in Cheyenne.

Q. Yes. And then in 1955 you

continued, either then, to be stationed in

Cheyenne.

A. Yes I did.

Q. And in 1955 did you have any contacts

with Thomas Dooley?

A. Intercept Dooley through mail?

I do not believe that I did, sir.

Q. And around 1956, did you have

any contacts with Thomas Dooley.

A. Yes I did.

Q. Did that take place during the

period in 1956 that we mentioned?

A. I have a diary of happenings that

year, which reminds me. It was one of my reports

here here and in Canada:

"Conducted by Vincent Dooley 1415 p.m.

"Said Dooley, and wanted to talk over

business or private. Said he had

"Patent problems."

Q. In 11-12/56 or 1/1/57. He made

that report.

A. My diary says 10:30 am, sir.

Q. 10:30?

A. Yes.

THE COMMISSIONER: Conducted by what?

THE WITNESS:

"Conducted by Thomas Dooley 1415 p.m.

"Said Dooley, and wanted to talk over

"matters re bribery. Said he had talked
"with D. Lloyd."

BY MR. WILSON:

Q. Who was D. Lloyd?

A. He is an acquaintance of mine, who resides in Chatham.

Q. What is his first name?

A. Donald.

Q. Had you previous discussions with Donald Lloyd, prior to August the 18th 1956?

A. Yes I did, sir.

Q. On what occasions?

A. On the date of June the 20th 1956 I have a diary notation, which says:

"- to the Seaway Motel to contact Mr.
"D. Lloyd of Chatham, re having been
"approached to accept bribe on my
"behalf. No contact made."

Q. What does that mean "no contact made"?

A. I went out there and I was unable to locate him.

Q. How did you know that Mr. Lloyd wanted to talk to you, about having been approached, to accept a bribe on your behalf.

A. He had called me on the telephone at some time prior to that, and it was suggested that that was where I should meet him.

Q. Then, did you hear from David

"workers ye boisnerr". Said he had taken

"Miss E. Edwin."

BY MR. WILSON:

Q. Who was E. Edwin?

A. He is an acquaintance of mine, was

employed in Chicago.

Q. Was it Mr. Tiny Lewis?

A. Donald.

Q. Had you previous conversations with

Donald Edwin, prior to August 6th 1920?

A. Was I [illegible] -Ely.

Q. Or any conversation?

A. On two occasions of Jones this Jones told

I have a dirty connection, which meant:

"- to the Foreign Serial to connect Mr.

"Mr. Edwin of Stockton, Ca. Daylor [illegible]

"connected to Hooper bridge on my

"Counter. Ya [illegible] [illegible]."

Q. What did that mean, Mr. Edwin

mean?

A. I went out there and I was working

in Lawrie Lake.

Q. How did you know that Mr. Edwin

meant in Lawrie Lake, Mr. Edwin [illegible]

experienced, to assume a bribe on your behalf?

A. He had called me on the telephone

at some time prior to that, and he was

suggested that there was where I should meet

him.

Q. Then, did you hear from David

Lloyd after June the 20th?

A. Yes I did sir.

Q. On what date?

A. Now, I have it entered under the date of August the 16th, but I -- I have also the notation, maybe this August the 17th also:

/3/AS "Call from D. Lloyd this date, maybe "August the 17th 1956, re Feeley; "phoned briber, etc., accompanied by "second person."

Q. That is the substance of the conversation you had with Mr. Lloyd, on that date?

A. This is very brief, and if I may refer to a report which I prepared, under the date of September the 18th, at a time when this would be fresher in my memory?

Q. Is this the report of September the 18th 1956 that you speak of?

A. Yes it is sir.

Q. And it is headed ---

THE COMMISSIONER: September what?

MR. WILSON: September the 18th 1956, and it is headed: "Re Matters discussed with by Vincent Feeley, 116 Durie Street, Toronto, Ontario and the writer by telephone, and personally, August the 18th to September the 12th 1956." (indicating)

It consists of four pages, and it has attached to it an envelope, open, which bears

Judge Allen [illegible]

A. Yes I did sir.

Q. On what date?

A. Then, I have it mentioned under the date of August one 1969, but I -- I have also the record, where this August the 17th also

"Call from Mr. Hugh Tate Navy, Indianapolis Ind. 17th 2400, 17 Twenty!

"Talked Indian, Ind., Communicated by Tactical Command."

Q. That is the substance of the conversation you had with Mr. Floyd, on that date?

A. This is very brief, and if I may refer to a report which I prepared, under the date of September the 15th, at a time when this would be freshest in my memory?

Q. In fact the report of September the 15th 1969, that you speak off

A. Yes it is also.

Q. And it is headed --

MR. CONSTANTINOU: Objection that

Q. Yes, Commander Tate 1969, and it is headed: "Ro Nelson discussed was by Vlamed Theory, 1st Tate Tomed, Terrorist, Intern, and the order of religious and personally, August the 16th so September the 15th 1969." (indicating)

It consists of four pages, and it has attached to it the envelope, that, that there

the stamp of the anti-gambling branch:

"Received September 20th, 1956"

and these two notations:

"This envelope contains report -"

what is the word after report?

A. That is Sergeant Anderson's writing; but I would say it is "as given".

Q. (reads) "As given Commissioner "McNeil verbally, November the 26th "1956."

THE COMMISSIONER: November!

MR. WILSON: November the 26th; you will recall we have an Exhibit 105, which you might give to the Commissioner. (Document handed to the Commissioner).

And that part of Exhibit 105 purports to be a summary of this document that I am now showing theWitness of September the 18th. The first notation has the signatures of --

A. That is J. M. Anderson; John Anderson, the sergeant in charge of the branch and W. J. Shrubb; my own signature.

Q. And then there is one further notation:

"Received envelope from Sergeant Anderson "June 29th, 1960. H.H. Graham."

Whose signature is that?

A. I would say that is the signature of Chief Inspector Harold Graham.

Q. Yes. Well now, after you made this

the minus of the anti-squabbling present:

"Nominal depletion 30%, 1yr."

and those two mentioned:

"This previous operation yields ~"

What is the said action [illegible]?

A. That is [illegible] [illegible]

working; but I would say it is "we given".

Q. (reads) "As given Commissioner

Small presently, [illegible] the [illegible]

"[illegible]."

THE COMMISSIONER: Gentlemen!

MR. GIBSON: Gentlemen [illegible] [illegible]

will recall we have an Exhibit 109, which you might give to the Commissioner. (Document handed to the Commissioner).

And that part of Exhibit 109 appears to be a summary of this document that I am now [illegible] [illegible] of [illegible] the Final. The first notation has the signatures of --

A. That is J. M. Anderson: John Anderson, the engineer in charge of the branch and W. J. Stanley: my own signature.

Q. And then there is one [illegible] [illegible]:

"Nominal equivalent [illegible] [illegible] [illegible]

"Year ends. 1957. E.O. [illegible]."

Have [illegible] it mean?

A. I would say that is the signature of Saint Joseph Mineral [illegible].

Q. Yes. Well now, after you made this

report of September the 18th 1956 -- that will be Exhibit 112.

EXHIBIT NO. 112: Ontario Provincial Police Report dated September 18th, 1956, re matters discussed by Vincent Feeley, 116 Durie Street, Toronto, and the writer (Corporal Shrubb) by telephone and personally, August 18th to September 12th 1956.

THE WITNESS: If I may --

MR. WILSON: Now just a moment!

THE WITNESS: Yes.

BY MR. WILSON:

Q. Where did this go after you signed it, and ---

THE WITNESS: That is a copy of the report I gave to Sergeant Anderson. I have the original of the report, which I retained myself.

Q. What happened to the one? Is this your signature on this? (Indicating)

A. Yes it is sir.

Q. This notation on page four of this report of September 18th:

"September the 20th 1956 -"

A. "J. Anderson."

Q. That is Sergeant Anderson?

A. That is correct, sir.

Q. Tell me, what happeded to this document that I have in my hand?

A. I gave it to Sergeant Anderson.

Q. With any instruction to him,

answer or Independent the Jaina Light -- that will be Exhibit 112.

(Document No. 112: Catholic Journalist Joinks Report dated September 12th, 1958, re matters discussed by Vicaire Theiler, 112 Jaria Street, Wonsala, and the writer (Concerned Morris) by telephone and personally, August 19th to September 12th 1958.)

THE CHAIRMAN: Is Mr. --

MR. MORRIS: Mr. Jaya a moment!

THE WITNESS: Yes.

BY MR. MORRIS:

Q. Where did this go after you signed it, and --

THE WITNESS: That is a copy of the report I gave to Inspector Anderson. I have the original of the report, which I mailed myself.

Q. Then Inspector Anderson -- Is that your signature on that? (Indicating)

A. Yes it is my.

Q. This document is page four of Exhibit Number of Commission Jaina.

(Document was then [illegible] of)

A. "3. Autonomy."

Q. Then is Inspector Anderson?

A. That is correct, sir.

Q. Tell me, what happened to this document that I have in my hand?

A. I gave it to Inspector Anderson.

Q. Did you investigate it Jaina.

as to what he was to do with it?

A. He had this copy, what I had with me originally; we placed it in our diaries, at the date of September the 20th.

Q. You placed them in your diaries at the date of September the 20th 1956?

A. Yes sir, 1956, yes.

Q. Let us see what you mean by that? Is there some entry in your diary?

A. (Looking through diary) I have -- I have a notation in my diary for September the 20th 1956, and it states:

"Contacted by Feeley by phone."

and then I have the words:

"see memo."

Q. What does that mean?

THE COMMISSIONER: What does that mean?

MR. WILSON: I have just asked the Witness.

A. Yes; I am trying to recall, my lord. I am of the opinion that:

"Contacted by Feeley by phone,"

and then there is a period -- and that means that I had received a telephone call from him on that date.

THE COMMISSIONER: On September the 20th?

THE WITNESS: Yes, my lord.

THE COMMISSIONER: 1956?

THE WITNESS: And then I have the word "see memo."

as to what he was to do with it?

A. He had this come, when I had with me originally; we placed it in our diaries, at the date of September the 20th.

Q. You placed them in your diaries at the date of September the 20th 1966?

A. Yes sir, 1966, yes.

Q. Let us see what you mean by that? Is there some entry in your diary?

A. (Looking through diary) I have -- I have a notation in my diary for September the 20th 1966, as it reads:

"Contacted by Feeley by phone."

and then I have the words:

"see memo."

Q. What does that mean?

THE CHAIRMAN: Was even that memo?

Mr. WILSON: I have just asked the witness.

A. Yes; I am trying to recall, my lord. I am of the opinion that:

"Contacted by Feeley by phone."

and then there is a period -- and that means that I had received a telephone call from him on that date.

THE CHAIRMAN: On September the 20th?

THE WITNESS: Yes, my lord.

THE CHAIRMAN: 1966?

THE WITNESS: And then I have the word "see memo."

and I am inclined to think that the

"see memo"

is in reference to the report of September the 18th. Now, if I may check the 18th before I go farther with that; I am of the opinion that that is what that means.

THE COMMISSIONER: Well, you have a report prepared, of September the 18th 1956?

THE WITNESS: That is right, my lord.

THE COMMISSIONER: Attached to it is an envelope, stamped September the 20th 1956. Is that right?

THE WITNESS: Mine is stamped September the 19th 1956.

MR. WILSON: The one which you gave to Anderson has the envelope attached; that is the one you left with him?

A. Mine was, sir.

THE COMMISSIONER: Put yours down, please, so that I can understand!

THE WITNESS: I beg your pardon.

THE COMMISSIONER: Mr. Wilson has been referring to the one that is in his hand.

THE WITNESS: Yes.

THE COMMISSIONER: And that is your report dated September the 18th 1956, and attached to it is an envelope stamped September the 20th 1956?

THE WITNESS: That is right, my lord.

THE COMMISSIONER: What is the

and I am inclined to think that the

Judge

is in reference to the report of September the 12th. Now, if I may check the 12th before I go further also read: "In of the statute that that is also that answer.

THE COMMISSIONER: Well, you have a report presented, of September the 12th 1966?

THE WITNESS: That is right, my Lord.

THE COMMISSIONER: Attached to it is an annexure, stamped September the 20th 1966. Is that right?

THE WITNESS: That is stamped September the 20th 1966.

Q. WITNESS: Can you what you gave in Anderson but the previous statement: that is the one you left with him?

A. The same, sir.

THE COMMISSIONER: Do you know where please, do that I can understand?

THE WITNESS: I beg your pardon.

THE COMMISSIONER: Do: Before you was referring to the one that is in his hand.

THE WITNESS: Yes.

THE COMMISSIONER: And that is that second that September the 20th 1966, and attached to it is an previous statement September the 20th 1966?

THE WITNESS: That is right, my Lord.

THE COMMISSIONER: What is the

significance of the envelope attached to it?

THE WITNESS: Well, that is the envelope that it was enclosed in, and it was attached in Anderson's diary in that form

THE COMMISSIONER: When you made your report, you put it in an envelope and handed it to Anderson?

THE WITNESS: That is so.

THE COMMISSIONER: And Anderson then put the stamp on it?

THE WITNESS: That is right sir.

THE COMMISSIONER: Showing he got it on September the 20th?

THE WITNESS: Yes.

THE COMMISSIONER: We have it in Anderson's hands on September the 20th; and then in your diary you have an entry on September the 20th as:

"Contacted by Feeley by phone."

Now, were you contacted by Feeley before you handed this to Anderson, or after?

THE WITNESS: No. I would say that when he contacted me by phone it would have been in the evening hours, and it would have been in the day time; because when I have Anderson this report ---

THE COMMISSIONER: Anderson has this report from you in the daylight hours of September the 20th 1956, and that evening you had the telephone call from Feeley?

significance of the envelope entered as Exh

THE WITNESS: Well, that is the envelope

[illegible] National in and it was signed by

Lamarche's diary is that from

THE CONSTABLE: Have you read your

report, you put it in an envelope and handed it

to Lamarche?

THE WITNESS: That is so.

THE CONSTABLE: And Anderson then put

the stamp on it?

THE WITNESS: That is right sir.

THE CONSTABLE: Showing he got it on

Saturday the 8th?

THE WITNESS: Yes.

THE CONSTABLE: We have in Lamarche's book on September the 9th, and then in your diary you have an entry on September the 8th and

"Contacted by Keeler by phone."

Now, were you contacted by Keeler before you handed this to Anderson, or after?

THE WITNESS: No, I would say that when he contacted me by phone it would have been in the evening hours, and it would have been in the day time. Because when I have Anderson

THE CONSTABLE: Anderson has this report from you in the daylight hours of September the 20th 1945, and that's evening you had the telephone call from Keeler?

THE WITNESS: Yes sir, that is the way I would interpret my diary in this.

BY MR. WILSON:

Q. And then, you were telling me that the document that I have been directing your attention to is the duplicate original?

A. That is correct sir.

Q. It is a carbon; it is a duplicate original?

A. It is a duplicate of the original.

Q. You kept the original in your own possession?

A. Yes sir, that is right, sir.

Q. And from September the 20th 1956 what became of the - of what you call the original?

A. I retained it in my diary.

Q. Right till today?

A. I have had the original in my possession, yes.

Q. And this other document, the duplicate original that we have marked Exhibit 112, remained with Anderson?

A. I can only say that I feel it did; I was going to him.

Q. Do you know what was done with this Exhibit 112 by Anderson? You said he kept it in his diary?

A. Yes.

Q. Was that by reason of some

understanding, or agreement between the two of you at the time?

A. Yes it was, sir.

THE COMMISSIONER: Just a moment; I do not know yet the significance of the original, as contrasted with the duplicate original. He gave the duplicate original to his superior office, Anderson?

MR. WILSON: I think maybe we could get the explanation of that; why was this particular memorandum or report dealt with in this fashion?

A. Because I wanted to make a record of some occurrences that had happened in some semi-official form, in a recognized form; to have it brought to the attention of some other person, other than my -- or some other persons of the branch who were my superior in order that it may be referred to at some later time if necessary.

THE COMMISSIONER: I do not understand that last remark:

"in order that it may be referred to,

"at some later time, if necessary"?

What were you contemplating?

THE WITNESS: Well, I was of the opinion that some of the materials that had been reported upon in the office in an official way, had somehow or other, the content of them, come into the possession of persons who I did

[illegible] to Quantum Dynamics [illegible] [illegible] [illegible]

not feel should have this information, and I felt that the content of this report should be recorded and retained by myself and by Anderson, to protect the facts as contained there, so that it would not get to unauthorized persons.

THE COMMISSIONER: Do I understand, that though it is addressed ---let me see it please. (Handed to the Commissioner)

That although it was handed to Anderson, do I understand you to say that no action was to be taken on it at that time?

THE WITNESS: It was to be our information.

THE COMMISSIONER: Just a moment. And I understood you to say that at that actual time, that at this moment, no action ought to be taken, because you felt that earlier confidential reports had somehow or other got to the persons with respect to whom the reports had been made?

THE WITNESS: That is right.

BY MR. WILSON:

Q. The normal procedure would have been for the report of September the 18th, to have come to the attention of theCommissioner?

A. That is right.

Q. And the arrangement that you and Anderson entered into meant that the Commissioner was not appraised at that time of the contents of the report?

A. That is right sir.

THE COMMISSIONER: The Commissioner was

at that time?

MR. WILSON:L McNeil.

THE WITNESS: Commissioner McNeil, sir.

MR WILSON: I think, Mr. Commissioner, that the other document, the one retained by this witness should be marked as Exhibit 113; You might mark it, and gave it back to him; I think I had better do that.

EXHIBIT NO. 113 Ontario Provincial Police Report dated September 18th, 1956, re matters discussed with Vincent Peeley, with Corporal Shrubb, between August 18th to September 12th 1956, being a copy of the report retained by Sergeant Anderson.

BY MR. WILSON:

Q. Now, am I right in saying that paragraph two to four of these Exhibits 112 and 113, set out or net out your report of the events that occured on August the 18th 1956?

A. Prior to August the 18th, and August the 18th.

Q. And August the 18th?

A. Yes.

MR. WILSON: Now, if I might read this?

THE COMMISSIONER: Yes.

(Page 2852 follows)

MR. WILSON: (Reads)

"With reference to the marginally noted
"subjects the following report is
"submitted for your information, please.
"(2). The following is a recollection
"of things which were said and
"conversations which were had, between
"Vincent Feeley of 116 Lurie Avenue,
"Toronto, Ontario, on the dates as they
"will be shown. A copy of this report
"will be retained by the writer and a
"copy of same will be made available for
"Sergeant J. H. Anderson, I/C of the
"Anti Gambling Branch.
"(3). Prior to August 13th, 1936, I
"had several telephone calls from
"Donald Lloyd, Chatham, Ontario, a
"personal friend of mine. He said
"that Vincent Feeley had visited him and
"called him by telephone, on numerous
"occasions and had wanted him to act as
"a 'go between' in an attempt to arrange
"a fix between the operators of the
"gambling clubs, and this writer. Mr.
"Lloyd was advised that substantial
"sums of money would be made available to
"him to be passed on to me if such arrange-
"ments could be made. The offers were
"declined but it led to V. Feeley wanting
"Mr. Lloyd to arrange a meeting with myself/ and

"Feeley. The offer of this meeting was also declined."

So that we will understand, - now, who declined? There are two declines?

A: I declined.

THE COMMISSIONER: He passed on the information to you in which it was suggested that there be a meeting and you declined that meeting?

THE WITNESS: That is right, Sir.

MR WILSON: (continuing reading)

"(4). Saturday, August 18th, 1956, 10.30 p.m.
"I received a telephone call at my residence an d
"the party calling stated it was "Vince." I asked
"'Vince who?' and he said 'Who would Vince be?'
"or words to that effect. I recognized the voice
"as that of Vincent Feeley's and he went on to say
"he had been in contact with Mr. Lloyd and he hoped
"this move would not be objected to by myself. He
"went on to say that he had a matter which he would
"like to discuss with me and he thought I would
"perhaps be interested in arranging a meeting with
"Him. He also thought there were some matters that
"could be discussed in a personal meeting which
"perhaps had not and should not be discussed over
"a telephone, or by Mr. Lloyd. V. Feeley was adivised
"I had no desire to discuss any matters with him.
"I believe I also told him that he could not play
"his game and I would stick to my own way of doing
"things (words of that nature) Thus the conversation
"was concluded."

And then the subsequent paragraphs relate

"Feeley. The offer of this meeting was also declined."

So that we will understand, - now, who declined? There are two declines?

A: I declined.

THE COMMISSIONER: He passed on the information to you in which it was suggested that there be a meeting and you declined that meeting?

THE WITNESS: That is right, Sir.

MR WILSON: (continuing reading)

"(d) SUNDAY, MARCH 18th, 1934, 12.30 p.m.

"I received a telephone call at my residence and "the party calling stated it was "Vince." I asked "'Vince what?' and he said 'Who would Vince be?' "or words to that effect. I recognized the voice "as that of Vincent Feeley and he went on to say "he had been in contact with Mr. Lloyd and he hoped "this move would not be objected to by myself. He "went on to say that he had a matter which he would "like to discuss with me and he thought I would "perhaps be interested in arranging a meeting with "him. He also thought there were some matters that "could be discussed in a personal meeting which "perhaps had not and should not be discussed over "a telephone, or by Mr. Lloyd. V. Feeley was advised "I had no desire to discuss any matters with him. "I believe I also told him that he could not play "his game and I would stick to my own way of doing "things (words of that nature) Thus the conversation "was concluded."

And then the subsequent paragraphs relate

to further contacts that you had with Vincent Feeley?

A: That is correct, Sir.

Q: References to them will be fould in your diary I take it?

A: That is correct, Sir.

Q: I will read paragraph five:

"August 29th, 1956, at approximately

" seven p.m. I received a telephone

"call

page 2854 follows.

to further contacts that you had with

Vincent Bailey?

A: That is correct, Sir.

Q: References to them will be found

in your diary I take it?

A: That is correct, Sir.

Q: I will read paragraph five:

"Under date, 1934, at approximately

" seven p.m. I received a telephone

"call

page 2654 follows.

"from V. Feeley and he said he would
"very much like to arrange for a
"meeting. He had a personal matter
"to talk over which I may be interested
"in. This was alleged to be a
"legitimate business venture and he
"was seeking a person to manage the
"business for him thus he thought of
"me as being the person. At this
"time I thought I would meet with
"Feeley and see what it was, that
"was causing him to repeatedly
"bother me. I advised me I would
"not be a party to discussing anything
"of an illegal nature and if such
"a meeting would commence conversation
"of this nature, I would want no
"part of it. Feeley assured me it
"was a 'boni fidie' (sic) business.
"It was raining heavily this date
"and I told Feeley the meeting could
"be perhaps the following evening.
"He said he would phone me the
"following evening."

(Page 2855 follows)

"Gen V. Bailey and he said he would
"very much like to arrange for a
"meeting. He had a personal matter
"to talk over which I may be interested
"in. This was alleged to be a
"[illegible] business and he
"was wanting a person to arrange the
"conference for him than he thought of
"me as being the person. He didn't
"know I thought I would meet with
"Bailey and see what it was, when
"he wanting him to personally
"bother me. I assured me I would
"see he a party to discussing matters
"[illegible] and if was
"a matter well personal nature
"of this nature, I would not
"care of it. Bailey assured me it
"was "bona fide" (sic) business.
"He was making heavily this date
"that I had Bailey the meeting would
"be purpose the following evening.
"He said he would phone me the
"[illegible] [illegible].

(Page 303 follows)

MR. WILSON (Continuing): "6. August 30th., "1956 at approximately 9.00 P.M. V. Peeley "called and said he had been on business in "the Huntsville area and had just arrived "back in the city. Thus a meeting for the "next evening would suit him better. I "advised him I was not so sure he was not "wasting his time and mine also and that perhaps "we should cancel our meeting. He again "stated the meeting would be to discuss "legitimate matters. Arrangements were "again made for the following evening.

"7. August 31st., 1956, at approximately "9.30 P.M., I received a call from V. Peeley "and he said he would call at my residence, "stop in front and sound his car horn. I "asked how he knew where I lived and he "said, well you still live in the east end "don't you. He arrived approximately "½ hour later and sounded his horn. "(1955 or 1956 Cadillac, white) I went "down and got into his car and he said, "shall we go around the corner. I said "that it was all right with me to park "directly in front of the house. This we "did.

"8. V. Peeley related what the business "venture he had on his mind was, and said he "would like to have me run it for him. He "mentioned that his background was not the

"best and may create some obstacles
"whereas if the venture was proceeded
"with in a legal way, with myself as the
"front, backed financially by himself, it
"could be a profitable undertaking, for all.
"The business discussed is a service
"station on highway #400. He said he had
"been reliably informed that four new
"stations were to be erected on this
"highway and with his political friends,
"he was assured of one of these locations.
"He said his member could arrange for one
"of these locations,..."

Now, do you want me to read on, or not, sir?

THE COMMISSIONER: Well, "...through The Minister of Highways...".

MR. WILSON: Yes. "...through The Minister
"of Highways, as soon as (he) came out of
"hospital. I advised Feeley I had not been
"particularly interested in service station
"employment and made him aware that I was
"not overly enthused about the matter,
"however I did discuss the present aspects
"of the business. The conversation then led
"to other matters, as well as Departmental
"and Branch matters. The subjects spoken
"of was The Clubs, J.F. Cronin, The
"Peterborough Case, Inspector A. Stringer
"#8 Division -- D.H.Q., Magistrate Rollinrs

"A Roulette Wheel, Other Gambling
"Operations and Personnel of The Branch.
"To elaborate on each subject, would
"be as follows:-
"(a) THE CLUBS. They are running all right
"at present and are making money. The
"instructions passed to us is to leave
"them alone, no harm is being done. They
"are aware of these instructions. The
"Port Erie Club is changing location and he
"was in Port Erie the day previous and not
"at Huntsville, as he had previously stated.
"He or McDermott must vouch for any person,
"before they are admitted to the Cooksville
"Club.
"(b) J.F. CRONIN. Cronin got to taking
"money from every gambler throughout the
"Province. He got enough money saved up
"and then he became careless. He had been
"taken aside a couple of times and cautioned
"about his playing the field and to play
"only with them and he would be better
"off in the long run. The observations...
"...by Cronin and myself... -- The
"observations held by Cronin and myself
"at the Windsor Club. Feeley was also
"aware of THE CONFIDENTIAL REPORT TO THE
"COMMISSIONER, which had been submitted
"by myself, with respect to Cronin.

"(c) THE PETERBOROUGH CASE. The boys
"became careless and let an officer in.
"Horton was not a bad fellow. His
"attitude upon conviction. The raid by
"myself at his house. The disgrace to
"Horton's family after arrested.
"(d) INSPECTOR A. STRINGER, #8 D.H.Q.
"Feeley knew of the meeting of Inspector
"A. Stringer, #8 D.H.Q., and this writer and
"of the matter discussed by the Inspector
"and myself with respect to immediate
"promotion to Sergeant and a transfer
"to Cobourg detachment. Feeley spoke of
"the transfer to 'Cobourg'. This meeting
"was arranged by Inspector Stringer, when he
"called me at my residence, he said he
"would like to have me in his district,
"to look after the detachments along the
"southern part of his district. That the
"Commissioner had always granted him pretty
"well everything he had requested and he
"thought he would grant this move and
"promotion. The notation of this meeting
"is noted in my diary of 1955, page dated
"June 7th., and has a crossed circle, in
"which is entered the letters C B I S,
"they stand for 'contacted by Inspector
"Stringer'. Feeley said he was at the
"St. Regis Hotel (where I met Inspector

"Stringer) at the time Inspector Stringer "had called me. Feeley said Stringer was "a good fellow but would do anything for a "dollar. He said if a report should be "made with respect to this meeting, it may "be best to leave 'Allen's' (Stringer) name "out of it as there would be no need to "involve him or his name."

(a)...

THE COMMISSIONER: "(e)".

MR. WILSON: "(e)". The copy I have is not too good. Possibly the name should not be referred to, and I should not have referred to it before.

MR. MacKINNON: That was what I was going to suggest, Mr. Commissioner, should not this be left blank?

THE COMMISSIONER: All right. All right.

MR. WILSON: There is more than one name, Mr. Commissioner, and I won't disclose it.

THE COMMISSIONER: Yes.

MR. WILSON: "...Feeley said the dismissal "by Magistrate (Blank), in (Magistrates' "Court,... ... with respect to The "Orillia Athletic Club, was arranged. "Further that Magistrate (Blank) had been "gotten to when he (Feeley) had been "attested on 'His only time'. He also "stated that Magistrate (Blank) had been "brought around when he passed sentence

"on Monica Storie, when she was sentenced
"for a third offence of bookmaking. The
"Magistrate had threatened a gaol sentence
"for this offence and remanded M. Storie
"until after the Christmas Holiday, so it
"would not interfere with the Christmas
"of her child.
"(d) ROULETTE WHEEL. Said a roulette wheel
"was operating in the city area and it was
"hindering their business somewhat. He
"said he would let me know where the wheel
"was operating and also the location of a
"good sized 'back-end'.
"(e) (sic) BRANCH PERSONNEL. He asked
"who all was on the branch at the time
"and named all of the personnel, who are
"known generally and then said 'and those
"three others..."---
Q. How do you pronounce that, (Perpich)?
A. (Perpich).
MR. WILSON: "'Prpich down at Windsor, that
"skinny kid over at St. Catherines and
"that other fellow'. 'They wont get any-
"thing, Prpich has been into the club at
"Windsor and got nothing, he was in again
"the other night (Aug. 20/56) and that kid
"in St. Catherines will get nothing.
"Feeley stated he had occupied an apartment
"in one of the buildings almost opposite

"from the location where I live and said
"he could almost look into my living room.
"This apartment was alleged to have been
"occupied just after I moved to Toronto.
"He mentioned a time when he had followed
"me away from my residence, down Kingston
"Road and the fact that he (in) his Buick..."---
THE COMMISSIONER: "that he had..."
MR. WILSON: "...that he had his Buick at
"that time. He had to turn across the
"boulevard in order to get away from me
"when I turned to catch him. Also he
"had followed me to Paris one night,
"when I had my own car. This was when I
"was travelling back and forth to Chatham,
"prior to my moving to Toronto.
"9. I told Feeley I could not see why
"he would select me as a person to run
"his service station as I had no experience
"in this field and he must know other
"persons who would be more suited. I
"asked if it were not a deliberate move to
"get me out of the branch. He said there
"was no reason for that as they knew of the
"present orders, as no harm was being done
"and we were not to raid when there were
"no complaints. He said my presence was
"not harming their position any. I asked
"who his 'member' was and he said..."---

THE COMMISSIONER: Now, don't name him.

MR. WILSON: Blank. "...he said (Blank)...

"...He said (Blank) would be the next

"Attorney General..."---

THE COMMISSIONER: Yes.

MR. WILSON: "...and that Inspector A.

"Stringer would be the next Commissioner,

"also that the present Commissioner would

"only be around for another year or so.

"This meeting lasted for approximately

"3½ hours and the conversation varied to

"the above mentioned subjects and I feel I was

"careful not to make any committments

"which could be construed in a damaging

"way, against me. Feeley said he would

"call me again and acquaint me with further

"developments of the service station.

"10. September 6th., 1956, Feeley called

"and said he had not gained further

"information as (Blank) had not been dis-

"charged from the hospital. We conversed for

"a period of time and he passed along the

"information with respect to the before

"mentioned roulette wheel. Alleged to

"be run at the residence of Monica Storie,

"71 Forest Heights Boulevard, North York

"Township. Tried to relate how this game

"could be best investigated, by this

"branch. Said that if a raid was made,

"the persons would continue to play,
"in order to make it look like a friendly
"game. He said he would call again.
"11. September 12th., 1956, Feeley
"called and could relate nothing further
"concerning the service station. Gave
"me information about an alleged betting
"house at 886 The Queensway, said it was
"a good sized business and was operated
"by a woman. Before this information
"was accepted, I advised Feeley that if
"he may be going to seek any favours,
"for the information, that I would not
"accept the information. He said he was
"not seeking any favours. The Tisdale
"Club case at Peterborough, was discussed
"and he said he heard I had been in
"Peterborough. He said that a GUILTY plea
"was going to (be) entered on October 10th.,
"1956, before Magistrate (Blank) and that
"a small fine was to be imposed, no gaol
"term. There would be no confiscation
"of the seized money. All of this has
"been arranged and he said 'You know these
"things happen.' He asked how Frylch was
"doing. Said he knew he had been into
"Frank's Place (Windsor Club) and lost
"$60.00, said he was not a very good card
"player. He said he would call at some

"later time again.

"12. A further report will be submitted

"at a later date and a copy will be placed

"in my diary, in a sealed envelope, for

"the date of September 18th., 1956, and

"a copy will be made available for

"Sergeant J. Anderson, at this time.

"I might add that I have no intention of

"accepting any position in a service

"station, owned by Vincent PARLEY. It

"almost seems ridiculous to think of

"making a change of this sort.

Q. Now, the manner in which Anderson and yourself dealt with this document or this report was absolutely contrary to the standing orders of the Ontario Provincial Police?

A. It was not submitted as a report would normally be submitted.

THE COMMISSIONER: We will take a ten-minute recess.

---Whereupon the Commission recessed at 4:00 p.m.

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(page 2375 follows)

----On resuming after recess.

MR WILSON: Q. Dealing with Exhibit 112, there is a reference to some betting establishment on the Queensway?

A. Yes.

THE COMMISSIONER: What number is that, paragraph number?

MR WILSON: Q. You made a special report on 886 The Queensway, did you not?

A. Yes.

Q. Or it was Moore's ----

A. Para. 11, my lord.

Q. As a result of the information Feeley gave you did the Ontario Provincial Police make a raid on that operation?

A. Yes, sir. I have the slip which I recorded the information on at the time I took it over the phone. This I retained and it was attached in my diary. It contains:

"886 The Queensway, Clifford 1-8081,

"Pauline Lee, over store."

Within a day or two after the receipt of this information we carried out an investigation there and a prosecution was instigated and a conviction registered.

Q. What type of an operation was there at that address?

THE COMMISSIONER: What was the address again?

A. 886 The Queensway.

MR WILSON: Q. Yes?

A. Do you mean what did we investigate it for?

Q. Was it a gaming house?

A. It was betting.

Q. A betting operation?

A. Yes.

THE COMMISSIONER: That number is 886 The Queensway?

A. Yes.

MR WILSON: Q. As a result of the raid was there a conviction?

A. Yes, there was. There was a guilty plea by a male person there.

Q. Joseph Lee, was it not?

A. I have forgotten his first name. I believe his name was Lee.

THE COMMISSIONER: Q. For what? Taking bets?

A. Yes, sir; he was charged with keeping a betting house or engaging in bookmaking, one of the two.

MR WILSON: Q. Well, that would have the result of eliminating a little competition to Vincent Feeley, would it not?

A. I imagine that is why that information was passed on to us.

Q. We have as an Exhibit here, 105 I think it is, and it includes a confidential report to the Commissioner from yourself?

MR. WILSON: Q. Now?

A. Do you mean what did we investigate at first?

Q. Was it a quiet house?

A. It was noisy.

Q. It looking unfamiliar?

A. Yes.

MR. BARRINGTON: Was anyone in the [illegible] house?

A. Yes.

MR. WILSON: Q. Do a result of the noise was there a conversation?

A. Yes, there was. There was a quiet line by a local phone there.

Q. Simply that was it only?

A. I just [illegible] the line.

Q. [illegible] the line was low.

MR. BARRINGTON: Q. Do what [illegible] here?

A. Yes, they had been connected with keeping a working house or changing in [illegible] of the two.

MR. WILSON: Q. Well, that would have the result of establishing a little conference to [illegible], would it not?

A. I imagine that is why that [illegible] was planned on to us.

Q. We have to do habitual here.

Yes I know it is, and it includes a [illegible] [illegible] of the [illegible] [illegible]

A. Yes, sir.

Q. And the other document that forms part of 105 is a memorandum to the Commissioner from J.M. Anderson dated November 23rd, 1956. Did youy have a meeting with the Commissioner to discuss the information set out in this confidential report ofyours dated November 22nd?

A. We had a meeting with the Commissioner, yes.

THE COMMISSIONER: Q. By "we" do you mean you and Anderson?

A. Anderson and I; yes, sir.

MR WILSON: Q. And this report of yours of November 22nd is a summary or an abbreviation of what is contained in this memorandum of September 18th, 1956?

A. Yes, that's right, sir.

Q. As a result of that meeting with the Commissioner what instructions, if any, were you given?

A. Well, as near as I can remember, after having prepared the report, the preparation ofSeptember 18th, it was felt that rather than to retain this material entirely to ourselves without passing it on to someone much senior than what we were would be wrong, and that this should go direct to the Commissioner verbally. And if my memory serves me, we attended there and so

stated that it was our desire to acquaint the Commissioner with the contents as it existed in the report of the preparation of September 18th. Now, I could be wrong in this. This is only what I remember. And that he directed that a preparation should be made, a report. And consequently this report of November 22nd.

Now, this is as I remember and I can -- there are points that would be contradictory in this. I am at a loss to think of anything else that could be.

I note in my diary of November 26th that we attended there on that date: "Anderson and self had interview Commissioner; see report of September 19, 1956". But yet this report, Exhibit 105, is it?

Q. Yes.

A. Is dated November 22nd. And I see at the bottom of the back page it was forwarded on November 23rd. And to say -- that is all I can say; that is the best that my memory serves me. But we did attend at the Commissioner's office and acquainted him of the contents of the report.

Q. At this meeting you and Anderson had with Commissioner MacNeill did you inform him you had this other report of September 18th which you had both sealed in an envelope and kept a copy of?

A. I am inclined to think not; only

the content of it verbally.

Q. As a result of your meeting with Commissioner MacNeill did he give you any instructions as to what your future course of action was to be?

A. Other than, as I said, to prepare something of a report for him up to and including that time but nothing for the future.

THE COMMISSIONER: Q. Well, you did give him a report?

A. Yes.

Q. On November ——

A. The one dated November 22nd. But that is where I say I am at a loss to know why ——

Q. Mr Wilson's question is, having given him that report, did he give you any instructions as to what you were to do?

A. For the future?

Q. Yes.

A. No.

MR WILSON: Q. Well, did you hear anything further from the Commissioner after that date with respect to this report of November 22nd, 1956?

A. No, sir.

THE COMMISSIONER: Q. What did he say? You gave it to him. I suppose you discussed it with him?

A. Yes. One thing that I remember, and I think it must have been of this meeting, was the facts as they related to -- I believe it was the facts as they related to a report submitted much earlier with respect to Cronin, and it contained an article -- not an article, a paragraph or a relation to Stringer knowing Trimble very well, and I recall Mr Phelps saying that perhaps ---

Q. Where was Phelps?

A. He was there.

Q. He was at the meeting?

A. Yes, with the Commissioner. I am almost positive this is the meeting. And he said that there was a time when Stringer and Trimble were fairly good friends but that he felt that this was not the case at that time.

MR WILSON: Q What were your reasons when you met with the Commissioner for not handing him a copy of your report of September 18th?

A. When he requested a report, you mean?

Q. Yes.

A. I don't know. It was in much more detail. The only thing I can think of is it was prepared in detail outlining a great number of points and I was satisfied that the content of the previous reports was

falling into the hands of persons I felt should not have it and therefore I didn't give the whole detail as contained in the written report.

THE COMMISSIONER: Q. Were you suspicious of MacNeill?

A. I had submitted previous reports through the office of the Commissioner, my lord, and it was the content of those reports which I was being acquainted with and ----

MR WILSON: Q. Acquainted with by whom?

A. By Feeley. And the content of the report or the preparation that Anderson and I had will bear out some of those matters that went through regular channels, as we were expected to submit them through our own office and then to the office of ----

THE COMMISSIONER: Q. I suppose there was some sort of filing system down at headquarters?

A. That's right, my lord. We in our branch ----

Q. You are not suggesting -- or are you suggesting -- that MacNeill was distributing this information to some person or persons?

A. No, not as an individual, sir, only that it was somewhere along the

line in the normal process of going astray and falling into the hands of some person whom I felt should not have it. Far be it from me to say that at all.

Q. That is what I should have thought. Then if you handed it to him personally and acquainted him with the fact that you were handing it to him now so it wouldn't leak out through any other channel, wouldn't that have served your purpose?

A. I suppose it would but we didn't choose to follow that course.

MR WILSON: Q. Although your report of November 22nd was marked "Confidential Report to the Commissioner"?

A. Yes; that's right.

Q. And you were not satisfied that even then the security surrounding the handling of such reports was such that you could be sure that it would not get into the hands of some person?

A. That's right.

Q. Who would relay the information to Feeley?

A. That's right.

Q. The report that you made on September 13th carries us up, I think, to September 12th, 1956?

A. Yes, sir.

Q. After that date did you have

time in the normal process of going murder and talking into the hands of some person who I felt would not have it. Not to do it then or to do it then at all.

Q. Then is what I should have thought. Then if you looked at to him personally that statement like with the fact that you were looking in to him but at it. Should I have had knowing-say-about murder, anybody was just saying good personal.

A. I suppose it would but on that's personal to United Kingdom.

Q. Anybody that talked to you about Communist Party or the Communist?

A. They didn't.

Q. That you felt that individual that was that communist-connected the Communist Party was that you felt that you would be more frank it would not get into the hands of that person.

A. That's right.

Q. Who would notify the communist in Canada?

A. Sheard might.

Q. The report that you made to Sheard, it would be forwarded to Ottawa, it would be Colonel Ross?

A. Yes, sir.

Q. Colonel Ross of the G.R.C. was being

further communications from Vincent Feeley? I think you have mentioned one on September 20th?

A. I believe I had one on September 13th, if I may just check that. (Pause) Yes, September 13th I have a notation:

"8 P.M. approximately received call "from V. Feeley re business, also "information as attached".

Q. What was the information attached?

A. I believe I have erred somewhat in one day of the attachment of the slip of paper upon which I recorded the address of 886 The Queensway.

Q. That was ~~the~~ information about 886 The Queensway?

A. Yes; I believe that is what it was because I have no information in my diary of September 13th, and I have sometime previously attached in my diary a notation that "Report suggests this date is September 12th, 1956". And I think it must have been for the 13th. I believe that is the attached information.

Q. The next reference I have in your diary is to September 20th. I think you have explained that, where it says:

"Contacted by Feeley by phone; see "memo".

And you say the memo there mentioned would be the memo of September 18th?

A. This is what my understanding would be.

THE COMMISSIONER: Q. What is the memo of the 18th?

A. The report of the 18th which I handed to Anderson, my lord.

Q. Oh, I see.

MR WILSON: Q. Then what is the next that ----

THE COMMISSIONER: Q. I am not so sure -- in fact, I am sure that I do not follow you. On September 20th Feeley called you, did he?

A. Yes, I did have a call from him on the 20th also.

Q. Well, what did he say to you on that occasion?

A. I don't know that, sir.

Q. Well, did you make a memorandum of it?

A. No, I didn't. There were many times, if he would call me, sometimes he would call and the conversation would be just, I would say, idle prattle. There would be nothing to it at all, stuff that he had gone through many times before. Just I would make a note in my diary to the effect he had called that day.

Q. All right. There was nothing on that day of real importance except that he did call you?

A. That's right, sir.

Q. Then what is the next?

A. (No audible answer.)

MR WILSON: Q. What is the next contact you had?

A. I have it recorded as October 28th.

Q. What is your notation on that date?

A. It was one of my "rest" days. "Received a call from V. Feeley re service station, Peterborough case, D. Lloyd, Windsor Club and Gardner, etc." And "Advised would not take position re station. Advised Feeley should be jailed re Horton and Herrington".

THE COMMISSIONER: Q. Did you make a report on that?

A. No, my lord.

MR WILSON: Q. Is the reference to Horton and Herrington a reference to the Peterborough case?

A. That is true. At this time he suggested -- we were talking about what perhaps the penalty should be under the circumstances there and I told him that I felt that

it should be a jail term considering the background of these two persons.

Q. Now, what was the reference to "D. Lloyd" there?

A. I don't know what may have been that.

THE COMMISSIONER: Q. Take it in your diary. You talked about what there first?

A. My recording is:

"Received a call from V. Fosley

"re service station".

He must have at that time made some reference to his proposal as outlined in the report of September 18th and made some reference to the service station.

Q. And you told him that you were not interested, you said?

A. Yes. I advised him that I would not take the position re the service station, sir.

Q. What is the next thing he talked about?

A. I have the notation "D. Lloyd". I don't know what we may have talked about with respect to him on this occasion. I have "Windsor Club & Gardner". What the detail of that is I don't know other than that those two topics were discussed.

MR WILSON: Q. What was he talking to you about the Windsor Club and Gardner

for?

A. This I don't know. I haven't made detail enough in the diary other than to say that ---

Q. Well, did he intimate to you that he had any interest in the Windsor Club and Gardner?

A. Well, over our conversations I could only conclude that he had some interest in the Windsor Club, over the time that I was with the branch and when he was making calls to me. He many times spoke of the Windsor Club.

THE COMMISSIONER: Q. Well, we will come to that later butyou have no recollection of what he said in connection with the Windsor Club on that occasion?

A. No, my lord.

Q. Andyou don't know what he said about Lloyd?

A. No; that's right.

Q. Is that all he talked about?

A. And the reference to Horton and Herrington and the Peterborough case.

Q. What did he say about that?

A. Well, he felt that a fine was the thing, that this was not such a serious thing, that anybody should have to go to jail for.

Q. Was that all he talked about

now on that occasion?

A. Yes, on the 28th that is all I am prepared to speak of, my lord.

Q. All right.

MR WILSON: Q. What is the next occasion?

A. On December 24th he called me and -- I don't recall it to be a very long conversation but he told me that they had had a good year and suggested that a person should make hay while they could.

THE COMMISSIONER: Q. He said they had a good year. Who was "they"?

A. I associate Feeley with the Cocksville Club and I could only say that it would be those persons responsible for the operation of the Club.

Q. Wanted to make hay while the sun shines?

A. Or while they could; yes, my lord.

MR WILSON: Q. That is the last reference for 1956?

A. Yes.

Q. If my calculations are right, from August 18th to December 24th, 1956, you had nine calls from Feeley?

A. Nine, yes.

THE COMMISSIONER: I haven't got nine. How do you arrive at that?

MR WILSON: I think, Mr Commissioner, some of those dates that are referred to by the witness as adding up to nine were referred to in that Exhibit 112.

THE COMMISSIONER: I see.

MR WILSON: I don't think you made a particular note of them.

THE COMMISSIONER: No; that's right. Thank you.

Now, that brings us to the end of 1956?

MR WILSON: Yes.

THE COMMISSIONER: That ought to bring us to the end of the day too.

MR WILSON: Thank you, my lord.

HIS LORDSHIP: Ten o'clock tomorrow morning.

---Whereupon the Hearing adjourned at 5.00 P.M. until 10.00 A.M., Thursday, April 19, 1962.

IN THE SUPREME COURT OF ONTARIO

BETWEEN:

KENNETH H. BROWN and JAMES T. GOW, Trustees, on behalf of themselves and all other Shareholders of Beleggings-Societeit, N.V., and the said BELEGGINGS-SOCIETEIT, N.V., as represented by the said Kenneth H. Brown and James T. Gow,

Plaintiffs,

- and -

BELEGGINGS-SOCIETEIT, N.V., as represented by W.H.J. de Boer and J.C.W.M. Huijsmans,

Defendants.

TRANSCRIPT OF ARGUMENT ON APPEAL

Date

Pages

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TORONTO

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VOLUME NO. ---- 14

ROYAL COMMISSION ON CRIME IN ONTARIO

Thurs., April 19, 1962.

Pages 2890 - 3115

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INDEX OF WITNESSES

- - - - - - -

ERRATUM

Please read "where my number was related"
in place of "where my problem was real"
on page 3087 line 5

INDEX OF EXHIBITS

- - - - - -

Index of Patents

No.	Date	Description
124	[illegible]	TRANSMITTER of [illegible] between Element A, Medium and Receiver C. G. Jenkins on June [illegible], 1928.
111	[illegible]	Steam Alarm [illegible]
[illegible]	[illegible]	Steam Alarm [illegible]
117	[illegible]	Electric Alarm [illegible]
119	[illegible]	Electric Alarm [illegible] - Electric Clock.
118	[illegible]	Transmitter of [illegible] or a [illegible] with Element Charge or Only Light, Actuated by C. G. Jenkins, and Issued July 31st, 1928.
[illegible]	[illegible]	Infrared Photoelectric Motion Detector, Patent 2 Monitoring [illegible] C. G. Jenkins, Acting Commissioner, in the Name Film, July Patents Issued Jenkins Photo Valve Patent Issued July 31st, 1928.

- - - - - -

THURSDAY, APRIL 19, 1962

--- The Hearing reconvened at 10:11 a.m.

CORPORAL W. J. SHRUBB, resumed the Witness Stand.

THE COMMISSIONER:

Q. Mr. Shrubb?

A. Sir?

Q. Yesterday, we had some evidence of what Feeley had said to you and, when he mentioned certain officials whom he said had been fixed.

A. Sir?

Q. Did it occur to you, then, or does it occur -- has it occurred to you since that it may have been part of Feeley's technique that he was trying to get you to the point where you would surrender and help him out, that it was part of his technique to make it appear to you that other officials had been bribed or fixed, and therefore since they were ready to co-operate with him that you had to get in the swim, too.

A. Yes, that thought has been on my mind.

Q. And, do you think that there is anything to that, even now?

A. Well, I don't know what all will come forth in this inquiry, and I can

only relate those facts as they have been told to me, and someone else will have to decide those things.

Q. Well, they ---

A. In my ---

Q. The higher the rank of the official, the more impressive it would have been to you?

A. Yes.

Q. If he named Magistrates and others whom he said were fixed, that would be a sort of persuasion by him to you, "well, they have been fixed, you might as well get into the swim, too"?

A. Yes, that thought was on my mind. I would say this, when I was first asked to make any preparation in this matter, I disclosed, by way of a confidential report those things said to me as I knew of them, and I also contained in that preparation an explanation that I well realized that some of this may not be evidence against anybody, but this is what I knew about it, and from there on someone who was going to develop the investigation would have to decide which may or may not be the facts.

THE COMMISSIONER: Alright.

<u>EXAMINATION BY MR. WILSON (continued)</u>

Q. Have you before you a copy of your report of November 22nd 1956?

THE COMMISSIONER: Exhibit 105.

MR. WILSON: Exhibit 105, Mr. Commissioner.

Q. Now, are the matters which are referred to in that document, the matters that were discussed between Commissioner McNeill, Anderson and yourself in the presence of Phelp, or Phelps?

A. This is my recollection, yes, that this is the preparation which followed.

Q. Well, the reason I ask you that is that because an awful lot of matters that were referred to in the report of September 18th 1956, Exhibit 112 ...

A. Yes.

Q. ... Are not contained in this report of November 22nd?

A. I am aware of that.

Q. For example, there is no reference there to Inspector Stringer?

A. That could be, sir.

Q. Now, was anyhting discussed between the Commissioner, Anderson and yourself about Stringer at that time?

A. Yes, as I stated yesterday -- and I feel this is the occasion, as I had very few appearances before the Commissioner -- and I am certain at that time that Mr. Phelps had said that then Staff Inspector Trimble had been shown a copy of the report which I submitted with respect to Cronin, and then followed from

that the suggestion that in his own opinion Stringer and Staff Trimble, Assistant Commissioner Trimble, may have been very friendly at one time, but perhaps since this interval this was not perhaps so much so.

Q. In the report of November 22nd 1956, we do not find any reference to any Magistrates, do we?

A. No, I would say no.

MR. BREWIN: There is a reference.

MR. MacKINNON: Yes.

THE COMMISSIONER: Alright. Is Mr. Wilson not right in that.

MR. BREWIN: Item 8 November 22nd -- Item 8 -- it may not be the same reference.

MR. WILSON: You are quite right; there is one reference to a Magistrate in paragraph 7 of November22nd 1956.

THE WITNESS: Yes, that is right.

Q. But not in any way in the same manner as the reference to the Magistrates appears in your report of September 18th?

A. That is true, sir.

Q. I mean, it is just a statement of fact in paragraph 7 that a certain Magistrate heard the case at Peterborough?

A. Yes, that is right.

Q. Now, there is nothing in the report of November 22nd 1956 about the roulette wheel operation, is there?

A. No, that is right.

Q. And, there is nothing in the November 22nd 1956, report about other gambling operations?

A. No, that is right.

Q. And, there is nothing in the November 22nd '56 report about the operation that was being carried on at 886 The Queensway?

A. No, that is right.

Q. And, am I right in saying that there is nothing in the reports of November 22nd, 1956, about any Provincial member -- member of Provincial House?

MR. MacKINNON: No, that is not right -- "... with the aid of some political friends ..." whom he named.

MR. WILSON:

Q. No names appear of any names of any members of the Provincial Legislature in the report of November 22nd?

A. That is right sir.

Q. Did you name any member of the Provincial Legislature to the Commissioner?

A. Well, that is a --- I was satisfied we went into a great deal of the detail as regards the report of September 18th, but to ask me one specific point if I can remember that ---

Q. Well, did you tell him who the next Attorney General was going to be?

A. I feel I would have covered that in my report.

THE COMMISSIONER:

Q. No, no. Have you any recollection of having done?

A. No positive recollection.

MR. WILSON:

Q. Have you any recollection of telling the Commissioner who his successor was going to be?

A. I am satisfied there we covered a great deal of the material in the report verbally, but to pick out one point and say whether I did do, I have no way of supporting that.

Q. It is only by way of comparison of the two reports that you can ascertain whether the Commissioner got the same picture as what appears in the report of September the 18th.

A. Other than what I say here now.

Q. Yes. Now, I think, chronologically, we had ended in December of 1956 - to the end of 1956 - as far as your contacts with Feeley were concerned, and we will now start in 1957, and what was your first contact with Vincent Feeley in 1957?

A. On the date of January 18,'57 in my diary I have the notation:

"Phone call from Feeley at residence "this date, or maybe the 17 or 19th"

Now, the reason that that is put in that form is that I think it was added, I would say, two or three days after, or some time within a few days thereafter, and I did want to make mention of the fact that a call had been received of that date if for no other purpose than mentioning the call, and I am not sure it was on the date of the 18th; it could have been a day before or a day after.

Q. Do you recall what that telephone call was about?

A. No, I don't, as I said yester-day I did try to keep a note of these calls if for no other purpose than to note the call -- that I had been in conversation with him.

Q. Before I go on with '57 there are a few other questions I would like to ask about 1956 that I have been asked to put to the Witness: at this meeting you had with the Commissioner and with Anderson, did you have the September report with you, or in your hand, when you talked to the Commissioner?

A. I couldn't be sure but I don't believe I did.

Q. At the time of that meeting did you suspect Phelps, Anderson, McNeil - Commissioner McNeil, or Assistant Commissioner Kennedy, or any one of them?

A. No, sir, I didn't; probably I wouldn't have been there if I had, when I chose to deal with the report of the 18th the way I did then. If I had suspected them I would have rested with what I thought was my own problem.

Q. Carrying on with '57, what was your next contact with Feeley?

A. February 22nd, 1957 was one of my rest days, and I have the notation:

"Call from Feeley this date re
"leaving envelope in mail box
"once a month - said he was going
"to Florida - and declined box of
"fruit."

THE COMMISSIONER: Q. Is it "Re leaving..." what in mail box?

A. "Re leaving envelope in
"mail box once a month - said he
"was going to Florida - and
"declined box of fruit".

February 2nd.

MR.WILSON:

Q. That is what I was checking, it was February 2nd, is it?

A. Yes, sir.

Q. What did he tell you about leaving the envelope in mail box?

A. He said it would be very easy to do, to leave a thousand dollars in an

envelope in a mail box, and for this to be detected by anyone would be almost an impossibility.

Q. That would be once a month, he told you?

A. Yes, that is right.

Q. What was your attitude in regard to that proposal?

A. I in no way accepted this.

THE COMMISSIONER:

Q. What did you say to him?

A. Well, I declined this part of the offer, as I did any other offer.

MR. WILSON:

Q. Well, then, what does the reference to:

"declined the crate or box of fruit" mean?

A. At this time he told me he was in the very near future leaving for Florida, and he made reference to some very attractive gift packages of citrus fruit that was available down there for shipment to persons in this part of the country, and wanted to know if I would be interested in receiving any of them.

Q. And, did you say ---

A. To that I replied at that time I lived almost outside the back door of a Loblaw's store and I made the remark to him that

I preferred to buy my oranges at Loblaw's.

Q. Did you receive some packages of fruit from some anonymous donor?

A. Yes, I did, sir.

Q. What was the name on the fruit, and where was it from; if you look at your diary under February 21st it may help you.

A. On February 21, 1957, I have a diary note:

"Crate of mixed citrus fruit
"received at residence this date by
"C.P. Express from John Smith,
"Miami, Florida; signed for by
"my son; same opened before my
"arrival home."

THE COMMISSIONER:

Q. John Smith, where, Miami?

A. Miami, Florida. And, with that -- with that shipment, there was a

"Canadian Pacific Express Company
"advance note with the date stamp,
"'February 20, '57, for Jack Shrubb,
"3 Sandown Avenue; We beg to
"advise you of the following:
"Shipment in bond from Miami,
"Florida."

MR. WILSON:

Q. I do not think we need all that detail.

What did you do with the fruit; just

tell us briefly what did you do?

A. I consulted with Sergeant Anderson and the Commissioner, and subsequently turned the fruit over to the Salvation Army Hostel on Sherbourne Street and obtained a receipt for it.

Q. That would be standard police practice where any substantial gift of money or anything else was received by any member of the Force?

A. I feel it would be, sir.

Q. Yes. Then, what was your next contact with Feeley?

A. March 27th, 1957 I have a notation ---

THE COMMISSIONER:

Q. 27?

A. March 27 '57:

A/A/RC "10:30 p.m. to 5:00 a.m.,

"Inspector Hand, Corporal Ed Baker

"of Port Credit, and 5 P.C.'s..."

- that is five police constables -

"...warrant at Unit 326 A.N.& F.

"Club (Army, Navy & Air Force Club),

"Cooksville - two minutes for

"attempted entry - Thomas McKay,

"Steward in charge. Evidence of

"(A) game there but no charges.

"Feeley present."

Then the next paragraph:

"Phone call from Fesley 8:00 p.m. -

"ask re fruit, said heard got some."

Then, I have,

"COMM",

the abbreviation for Commissioner:

"at N.F.O. "

Niagara Falls Ontario -

"... said are trying to tell me

"something. Said re heard some

"good reports gone in..." ---

Q. Don't mention that.

A. Yes.

Q. Then, there is the name of somebody at the department of the Attorney General?

A. Yes, I can place no attachment to that, whatsoever at this time, I do not know what was said, and I can recall nothing that was said. I have tried to think of what it might have been, but in all fairness to everyone, I am at a loss to know what that is.

THE COMMISSIONER:

Q. From 10:30 to 5:00 a.m. you were engaged in the raid on the Centre Road Vets Club; is that what you said?

A. Yes.

Q. And then what?

A. At 8:00 p.m. that evening ---

THE COMMISSIONER: Let me see your

"Have all the Twelve Gold Bars -

"Back to Fruit," said Beard Gus again."

Then, I have,

"Yours",

The Honorable Joe Lamplighter

"Mr B.Gus."

Hidden Falls County -

"... well now buying the ball so

"Yesterday, that is Sunday

"good reports gone in..." ---

Q. Don't mention that.

A. Yes.

Q. Then, there is the name of somebody at the department of the Attorney General?

A. Yes, I can place no attachment to that, whatever as truth that, I do not know what was said, and I can recall nothing that was said. I have tried to think of what it might have been, but in all fairness to everyone, I am at a loss to know what was.

THE CHAIRMAN:

Q. Come back to 8:00 p.m. You were connected in the mind on the Conway Good Vote Claim. Is that what you said?

A. Yes.

Q. Let me ask

A. At 8:00 p.m. that evening ---

THE CHAIRMAN: Let me see your

diary.

A. Yes sir.

(Diary handed to the Commissioner)

MR. WILSON:

Q. Now, what is this reference in this notation of March 27 about the phone call:

"Comm. At N.F.O., said are trying "to tell me something."

Now what does all that mean?

A. As I recall that, the Commissioner had been in Niagara Falls one or two days prior to this time, and there was some newspaper article which indicated this -- it was something -- some move that he had made that he had been down there, and it was publicized in the newspapers, and I feel it was, based around newspaper publicity, that it was something he mentioned having read the papers, with no significance, it was general talk, in other words you, you might say.

THE COMMISSIONER: That is, Feeley was mentioning something?

A. I think he said to me "Was he trying to tell me some-"thing.";

I don't know what he meant by that. It could be ---

Q. Well, it could be what?

A. Then, I better not say that,

Mooney.

A. Yes sir.

(Mooney handed to the Commissioner)

MR. MOONEY:

Q. Now, what is this document in this notebook of March 27 about the phone call?

A. Then, At N.P.C., said one voice "We will be Commander."

Now where does all this meant?

Q. As I recall that, the Commissioner had been in Hungarian Hall one or two days prior to this time, and there was some conversation about Lieutenant Colonel -- Is that correct? -- some more that he had made that he had been down there, and it was published in the newspapers, and I feel it was, based upon Lieutenant Colonel DAVIDSON, that it was necessary to mobilize having read the papers, with the signatures, it was general call, in other words, and which the

THE COMMISSIONER: That is, Pomeroy was mobilizing themselves?

A. I might be said to me "Was he trying to tell me Commander."?

I don't know what he meant by that. It could be ---

Q. Well, it could be what?

A. Then, I believe not any such

really.

MR. WILSON:

Q. He said he had heard some good reports gone in, what does that mean?

A. Well, sir, I felt that he was making reference to knowledge of some reports I had submitted, and more specifically at that time I felt he had knowledge of me, like, respecting the fruit which I had received. I did submit a memorandum to Sergeant Anderson under the date of February 22nd and February 26th, marked as a confidential memorandum .

Q. This is what you think he was talking about?

A. Yes.

Q. He didn't tell you what the reports were?

A. No, that is right, sir.

Q. And, then, the next contact you had with him ---?

A. On March 29, 1957, I have a notation:

"Call from Feeley at 10:30 p.m.
"said expected sooner re raid of
"previous night. Wanted to meet
"and talk. Will call next week
"for meeting."

Q. Now, tell us what was said on that occasion.

A. He was referring to the raid of the previous night which was carried on there from 10:30 p.m. to 5:00 a.m., and he said he had expected us to arrive there much earlier than we had. And, then, he wanted to arrange a meeting to chat with me. He said he would call me ---

Q. Did you have a meeting with him following that call?

A. Offhand -- Did I ever have a meeting with him? No. I only had one meeting with him.

Q. Yes. Then, what was the next contact you had from Feeley.

A. On September 7, 1957:

"Received a phone call from V.

"Feeley this date, approximate

"5:30 p.m. re arranging a meeting.

"Also made vague mention of

"knowing of reports.""

Q. Well, now, did he tell you what reports he was talking about?

A. No, that is why I have put it,

"vague"

there; he didn't come out and say anything that I could put in any specific word on this.

Q. Was he asking you to meet with him on that call?

A. He was referring to the [illegible] of the previous night which was carried on [illegible] [illegible] and he said somebody had [illegible] conversation or an article there which [illegible] Mrs. Stevens, he wanted to [illegible] a meeting to deal with me. He said [illegible] would do ---

Q. [illegible] Mr. Stevens' meeting also [illegible] THAT MEETING?

A. Without -- that I never been a meeting with him? No. I only had two meetings with him.

Q. Yes. Then, [illegible] [illegible] [illegible]

A. On November 7, 1971?

"Involved a phone call from W.

[illegible]

"[illegible] p.m. we arranged a meeting.

"[illegible]

"[illegible] of meeting."

Q. Well, now, did he tell you what reasons he was holding meeting?

A. No, that is why I have put it.

"[illegible]

Answer: He didn't come out and say something that I could put in any meaningful words or [illegible].

Q. Was he asking you to meet with him on that call?

A. Yes, he said so, sir.

Q. You say you only had one meeting with him.

A. Yes, sir.

Q. Which we have already referred to?

A. Yes, sir.

Q. Then, what was your next contact?

A. On November 16, 1957.

Q. You go ahead and read on; I just want to see what is here.

A. I have a notation made on one of my rest days. I have:

"June 3, 1958."

Q. Well, now, let us understand it, you have got the diary open at November 16?

A. 16th, yes.

Q. And this is November 16 in 1957?

A. 1957, that is right.

Q. Alright. Now, then, you were about to read some note on that page?

A. Yes.

THE COMMISSIONER:

Q. Let me see it.

Well, that is not a note made on November 16, 1957.

A. No.

Q. Yes, do you say.

Q. You say you only had one meeting with them.

A. Yes, sir.

Q. Did you ever discuss relevant

A. Yes, sir.

Q. Yes, sir.

conference?

A. On November 15, 1977.

Q. You go above and beyond so. I just want to see what is here.

A. I have a conversation same on one of my cross dates. I haven't

June 3, 1978."

Q. Well, yes. Are you sure

15. You have got the diary open at November

A?

A. Yes, yes.

Q. And this is November 15 in

1977?

A. 1977, that is right.

Q. Fairly. Did you ever

have occasion to meet some time on that night?

A. Yes.

Q. Can you be more

specific?

A. Yes, sir.

Q. Well, there is not a more exact on

November 15, 1977.

A. No.

Q. This note of June 3, 1958 ---

A. The date is June 3, 1958.

Q. Well, why does it appear under date of November 16, 1957?

A. This is something I wrote into my diary of June 3, 1958 from a recollection of a happening.

Q. Of a happening that you say occurred on November 16, 1957?

A. Yes.

Q. And, why did you write it in in June 3, 1958?

A. Because that is when, in thinking something over, I don't know what day it was, but in going back to -- in my memory that this actually happened and was not recorded in my diary.

Q. Well, what does the entry -- how does the entry read?

A. "This is the possible date
"received a call from V. Feeley
"re lot of men working in Hamilton
"and had knowledge of possible
"raids."

Q. Well, was that -- what was that all about? Were there a lot of men working in the Hamilton area at that time?

A. We had placed an undercover man in Hamilton in about July of 1957, and he worked through until November -- on or

Q. Then prior to June 3, 1953 --

A. The week before June 3, 1953.

Q. Well, why does it appear under date of November 10, 1953?

A. This is consistent I would have my diary of June 3, 1953 from a reconstruction of a memorandum.

Q. Of a memorandum that you had reduced to a memorandum July 3?

A. Yes.

Q. And, why did you write it in June 3, 1953?

A. Because that is where, in following conversations, I don't know when they it was, I was in going back to -- in my memory that I had actually reduced the -- not recorded in my diary.

Q. Well, what does the entry -- how does the entry read?

A. "This is the morning that I received a call from V. Dooley

"The lot of men working in Montition

"and had no knowledge of possible

"action."

Q. Well, was there -- what was that oil meant. Were there a lot of men working in the Montition area at that time?

A. We had placed an overseer man in Montition in about July of 1953, and he worked through until November -- on or

about November 15th -- when he had uncovered - he had made investigations of several places which we failed to act upon, and we planned raids on those places for a Friday night, and we caused a number of OPP officers to be gathered and we proceeded to Hamilton for the purpose of carrying out these raids, and we didn't do it. It was evident to us that something was wrong. Entry could not be made to some; others closed, and we didn't carry out our raids on that night.

Q. What did he tell you about this operation at that time?

A. Well, in this call --- this was -- I think this was a Sunday -- no, it was a Saturday; yes, it was a Saturday. This is the possible date. It would either be a Saturday or a Sunday, although I have it entered for the 16th, it could have been a Saturday or a Sunday, and he called me at home, and one of his remarks was:

"I heard you have got a lot of men "working in the Hamilton area."

Q. And that was a period when you did, in fact, have a great number of men gathered in the Hamilton area.

A. Yes, we took some of our own men and we were assisted by several Hamilton officers.

Q. Did you ask him where he

obtained that information?

A. No, I did not.

Q. Was that all he had to say on that occasion?

A. That is all I recall at that time of this entry having been made, and entered in there.

Q. If I might read this last one in 1957 -- and in 1957 you had six calls by telephone ~~xxxx~~ from Vincent Feeley?

A/6/RC

A. Well, if that is your tabulation, I would say, Yes, it is correct, it would take a lot of time to add them up.

THE COMMISSIONER: It doesn't matter.

MR.WILSON:

Q. Why were you continuing to talk to Feeley in 1957?

A. Well, he was prepared to talk to me.

Q. And, obviously, you were prepared to talk to him, too.

A. This is true. I know of nothing wrong with a policeman talking to this type of person if he is positive of his own stand, and I was positive of my own stand, and, if anything, he -- he couldn't discredit me, and any of his proposals had been declined, and as I say, I was positive of my stand, and I thought there was nothing that could be lost with this, when he could call me and tell me

examined and interrogated.

A. Mr. X and me.

Q. Who then call on Ned to day in your chamber?

A. Then he call I recall to mind that of that lady driving Saint Jack, Mr. McCreery in Tacoma.

Q. Do I mean that Jack Saint Jack in Lake Tacoma with Jack McCreery and his wife Mrs. McCreery in Tacoma?

A. Well, if that is your question, I would say, Yes, in my opinion, it would take a lot of time to get Jack Saint Jack.

Mr. Cunningham. (Jackson) Question.

Mr. Gibson:

Q. You have a recollection of talk on Sunday in 1977?

A. Well, in my presence in talk conversed in Sunday, Mr. Gomez.

A. This is true. I know of problem arising in which type of cannon if be is problem of his own cannon, and I was positive of my own cannon, Sir. If cannon be a - my Company Commanding officer and my - his problems has been resolved, and he I not, I was positive of my cannon, and I observe there was missing that could be I had with them, when he could call me and call me

the things he did, I thought that there was nothing in the Department that could suffer by it.

Q. You didn't have to talk to him, either, you could have hung up.

A. I could have at any time.

Q. Now, coming to 1958, what is the next contact you had with Feeley?

THE COMMISSIONER: Are all these diaries in as Exhibits?

MR. WILSON: No; we will have to -- there are certain diaries that are not -- I was intending to have them all marked.

THE COMMISSIONER: Yes.

THE WITNESS: May 20, 1958:

"Call from Feeley, one hour, re.

"Ramsey Club N.F.O...",

Niagara Falls Ontario -

"...Information recorded and on

"own file. Will call May 21 '58

"further."

Q. Do I understand on that occasion you talked to him for an hour? About the Ramsey Club?

A. Approximately an hour, and the major portion of the conversation was with respect to the Ramsey Club.

Q. What does

"info. recorded on own file"

mean?

the failure to did, I thought that there was
[illegible] by the [illegible] small [illegible]
by 16.

Q. You didn't have to talk to him, either, you could have hung up.

A. I could have hung up that time.

Q. Now, coming to 1968, what is the very earliest you can also [illegible]?

THE COMMISSIONER: Are all these discussions in as hypothetical?

MR. WILDROW: Well, we will have to [illegible] hypothetical discussions [illegible] — I had intended to have them all marked.

THE COMMISSIONER: Yes.

THE [illegible]: [illegible]

"Call from Trudeau, one hour, 9a.

"[illegible] Pierre."

Mr. Pierre Trudeau:

"...[illegible] [illegible] had to

"see Pierre. Will call May 21 [illegible]

"[illegible]."

Q. Do I misunderstand you that conversation was related to him for an hour?

Hon. Jean Chrétien:

A. Approximately an hour, and the major portion of that conversation was with reference to the Senate Bill.

Q. Hmmm.

"Hello. Recorded on [illegible]"

[illegible]

A. I believe I left at this hearing a preparation,,some time ago, and I believe that is all written up.

MR. MacKENNON: That is right, I remember that, I remember asking the questions with respect to it. It is a hand-written memo.

THE COMMISSIONER: 17?

MR. WILSON: 17?

Q. Did you make any copies?

A. No, I didn't make any copies, and I left the original here.

THE COMMISSIONER: Hand the original Exhibit to the Witness. It is Exhibit 17.

THE WITNESS: Yes, I have Exhibit 17.

MR. WILSON:

Q. And these were notes that you made at the time, or immediately thereafter?

A. Shortly thereafter, it is a day or two, let's say it that way.

MR. WILSON: And, I don't know whether this has been read into the --- Now, I do not think this has been referred to in any detail: it reads as follows:

"May 20 '58, approx. 9:30 p.m. to

"10:20 p.m."

THE COMMISSIONER: Are you reading it into the record?

MR. WILSON: Yes, I was.

"Telephone call from Vincent Feeley

"to residence. 'Last night -

"big crowd - American clubs down -

"Ramsey Club - Montreal - Fort

"Erie. Not transferred from Fort

"Erie....."

Now what do those disconnected references mean?

A. He said last night that there had been a big crowd at the Ramsey Club, and that the American clubs were closed down. In his reference there to the American clubs down, it would provide them with a greater number of persons to attend at the Ramsey Club in Niagara Falls and, the reference,

"Ramsey Club - Montreal - Fort

"Erie. Not transferred from Fort

"Erie."

is that there Charter was a Federal charter down there originally issued to this club in Montreal, and it was being employed at Fort Erie, and the subsidiary of it had not been transferred to Fort Erie, that is, the records originally issued in Montreal were not transferred to Fort Erie. There had been no transfer of the club from Fort Erie to Niagara Falls.

Q. That is to the Victoria Avenue address?

A. Yes, that is right.

Q. Then, it goes on:

"Sacco's place, 2 storey - one Souvenir "shop - re entry to game - one new "place - good man - 2 bust in Souvenir "shop - drain pipe toilet - screen in "drain - cards - layout - dice 5,6,10, "12 - down drain - basement - day before - "2 kids on street - one Victoria signal - "one alley key - customer in."

Q. Now, what does all that mean?

A. Sacco's place was the description as to the location where this Ramsey Club was now operating. This, in the years gone by, has been referred to by ourselves as "Sacco's place", and it was previously known as the Goldfield's Club, and it was referred to by us generally at this time as "Sacco's place".

(Page 2925 follows)

and this was the description here, that it was a two storey building and the first floor was a souvenir shop. And he said:

"new place,"

and that was a new operation:

"just getting going"

and made representation to

"two good men!"

that is, if we had good men to put over there in its infancy; that this would be beneficial to us.

MR. WILSON:

Q. That is, the Ontario Provincial Police had good men?

A. We were talking in terms of undercover men.

Q. Yes. And what is the reference to"re-entry to game"?

A. At the same point? "entry into game"?

Q. Yes. "re-entry to game"?

A. Well, that would be for a good man; if he could make entry to that game.

Q. Did he say you could possibly get an undercover man in there?

A. That is what he was talking about; if we could get a good man, and then ---

Q. Just a moment, Explain what he told you, about this other reference in your notes.

A. "bust into souvenir shop" these men - if we would go and break into the souvenir shop at the time it was closed and then attack the drain pipe from the toilet on the second floor, and put a screen in the down pipe, that we would catch the cards which would be the lay-out, and the dice, in the down drain. And I say "basement, day before." There must have been repetition of what he said the day before, to break into the basement the day before.

Q. He told you what method you might use to catch the dice and the cards for the lay-out?

A. He was suggesting this.

Q. By putting a screen at what level of the drain pipe?

A. At the trap.

Q. At the trap?

A. Yes, where the plate goes on, in the plumbing equipment in the basement, to allow you access for cleaning; to remove that plate, and put out screen in. And this is something that we, as police, talked about in dealing with - I might say this was not unknown to us: this procedure.

Q. But that is what he told you?

A. Yes, that is what he told me on this occasion.

Q. "Two kids on street"? What is that?

A. He referred to them as kids on the street.

Q. They were little older than kids, were they not?

A. I would say yes; one was much older. One of the men referred to.

Q. Who was he talking about?

A. He was talking about the look-outs at the club; one would be at Victoria Avenue and would give the signal at the approach of police; or this was his duty. And the other was in the alley and he had the key to allow customers entry.

Q. Was there any further reference, in this conversation about the Ramsey Club? Because the next reference does not seem to apply, and we will come back to it.

A. Yes. If you exclude that next reference there, and go to the part where it says:

"cash, ten thousand dollars"?

Q. "Cash, ten thousand dollars.

"Spread around bosses."

What da he talking about there?

A. He said that ten thousand dollars in cash would be distributed among the bosses of the persons who were controlling or responsible as keepers for the game, and then he named several persons who could be considered as keepers, or persons controlling this game.

Do you wish the names?

Q. The names:

"Dominic Mantell; Benny Niccoleti,"

"(short guy). Albert and Louie Ianneyelli.

"Frank - Benny's brother-in-law.

"Black Pete. Nick Vacaro.

"Steward new kid; not versed.

"Take J. P. - take J. P.; take away

"under arrest; going to jail;

"under oath; J. P. with you;

"Dagos have guys locked up;

"successful -"

what is the word (indicating)

A. Repercussions.

Q. It is not spelled very well here.

A. I am sorry!

Q. (reading)

"Back here! backfire; promise from

"A.G.'s department, not roar down;

"plan; guarantee no repercussions

"from A.G. See fit not dim view."

Now, tell us what all that means in relation to what he told you?

A. He said that the steward of the club was a new kid, not too versed in the duty of the steward, and if we ---

Q. Let us go back to this meeting; I am interested in what he told you about Dominic Mantell, and Benny Niccoleti.

/AS

A. Yes.

THE COMMISSIONER: Just a moment. Do you want to interrupt this Witness's examination at this stage?

MR. WILSON: I think I would be prepared to, Mr. Commissioner.

THE COMMISSIONER: Stand down Witness.

The Witness retired.

MR. WILSON: I will call Magistrate Hollinrake.

MAGISTRATE OSBOURNE SHAW HOLLINRAKE, sworn

EXAMINED BY MR. WILSON:

Q. You are a Magistrate in the Province of Ontario?

A. Right.

Q. And what area do you have jurisdiction over?

A. The County of York, exclusive of Metropolitan Toronto.

Q. Do you recall a case coming before you, in the course of your duties, relating to a criminal charge on an operation carried on at what was known as the Orillia Athletic Club, beside what used to be the

Leaside Thorncliff Race Track?

A. I have no recollection.

Q. You have no recollection?

A. No.

Q. In the evidence given here yesterday, there was a document which was entered as Exhibit 112, which says:

"Magistrate Hollinrake",

on page three of Exhibit 112 ---

THE COMMISSIONER: Exhibit 112. Let me have it, please. (Exhibit handed to the Commissioner)

BY MR. WILSON:

Q. I might tell you that this is a report of the then Corporal W. J. Shrubb, as he was then, of the Ontario Provincial Police, under the date of September the 18th 1956, based on alleged statements made to him by one, Vincent Feeley.

A. Might I ask what that date was?

Q. September the 18th 1956. Now, it reads as follows:

"Feeley said ---"

THE COMMISSIONER: You understand this is Shrubb's evidence, as to what Feeley had told Shrubb?

THE WITNESS: Yes, my lord.

BY MR. WILSON:

Q. (reads)

"Feeley said, the dismissal by

"Magistrate F. -"

This is not the reference!

THE COMMISSIONER: You have got the wrong one.

MR. WILSON: I think I have to read the whole thing, to get the whole thing in context.

MR. MacKINNON: The next sentence.

BY MR. WILSON:

Q. (reads) We will start with:

"Further that Magistrate Hollinrake

"had been gotten to when he, (Feeley)

"had been arrested on his only time.

"He also stated that Magistrate

"Hollinrake had been brought around

"when he passed sentence on Monica

"Storie when she was sentenced for

"a third offense of book-making.

"The Magistrate had threatened a

"goal sentence for this offense

"and remanded M. Storie until after

"the Christmas holiday, so it would

"not interfere with the Christmas

"of her child."

End of quotation.

Now, did you ever have Vincent Feeley before you?

A. I have no recollection of the name.

Q. Then, do you have any recollection of any person around 1956, ever approaching you, in regard to any gaming charge, or persons charged with a gaming offense.

A. I have never been approached.

Q. You have never been approached?

A. No, sir.

Q. Have you any recollection of this person that is named here "Monica Storie" ?

A. I saw it in the paper this morning, and it does ring a bell!

Q. Yes.

A. But beyond that, I could not place any special significance to the case.

Q. How long have you been a Magistrate in this Province?

A. It will be 15 years this June.

Q. And you, before that time, you were a practicing lawyer?

A. Except for the War years.

Q. Except for the War period?

A. Yes.

Q. And during this 15 year period that you have been on the bench, has any person tried to influence you in any way, shape or form, in respect to the discharge of your duties?

A. I have no - I can honestly say that I have never been asked or approached

to make a decision in favour or against anyone, other than the ordinary submissions of counsel, and character witnesses.

Q. Now, the reason you are called here today, of course, is because of this document having been introduced in evidence, and referred to; but while you are here, I would like to ask you a few questions, which are pertinent to this inquiry.

Have you ever had any interference by any senior member of the personnel of the Attorney General's department, in the carrying out of your duties?

A. I have never had any contact made with me whatsoever by the Attorney General's department, or anybody connected with it.

MR. WILSON: That is all, thank you.

THE COMMISSIONER: Are there any questions? That is all, thank you.

The Witness retired.

MAGISTRATE FREDERICK WILLARD BARTREN, sworn

EXAMINED BY MR. WILSON:

Q. You are a Magistrate in the Province of Ontario?

A. Yes sir.

Q. What is your particular jurisdiction?

A. I am appointed for the Province of Ontario, and have sat in relief in many parts of the Province. I am now assigned to Metropolitan Toronto, and am sitting in Willowdale.

Q. How long have you been a Magistrate?

A. Eight years.

Q. And prior to that, were youa practicing solicitor in the city of Toronto?

A. Yes I was.

Q. For how many years?

A. Thirty-four or thirty-five years; I graduated in 1926.

Q. Maybe we had better not get into that; we are both getting on. (Laughter)

Now, there has been evidence given here, yesterday by Corporal Shrubb of the Ontario Provincial Police, as then he was, referring to a report he made on September the 18th 1956, and - that is a report he was making as a result, or in the course of his duties. It is rather an unusual report, I might say, in that it did not get to the attention of the Commissioner at that time. But in this report, on page three, which is Exhibit 112, there appear these words:

"Feeley -"

And by the way, do you know Vincent Feeley?

A. I do not know Vincent Feeley.

Q. (reads)

"Feeley said the dismissal by

"Magistrate Bartren in Magistrate

"Hollinrake's Court in Willowdale

"with respect to the Orillia Athletic

"Club was arranged."

Now, do you recall trying a case in 1956, involving the Orillia Athletic Club?

A. I do not recall it by name. It seems to be in my memory, that there was a case, a gambling case in 1956. But I must say that I am not sure of it, and I certainly did not recall the name; I did not look at my notes nor did I come fortified.

Q. On page four, of Exhibit 112, there is a reference that reads as follows:

"The Tisdale case -"

the Tisdale Club case ---

THE COMMISSIONER: Just a moment. Where is that?

MR. WILSON: It is in paragraph eleven, about half way down on page four.

THE COMMISSIONER: Yes, I have it.

Q. (reading)

"The Tisdale Club case at Peterborough

"was discussed and he said he heard

"I had been in Peterborough."

And this is Vincent Feeley talking to Shrubb, according to the evidence:

"He said that a guilty plea was
"going to be entered on October the
"tenth, 1956 before Magistrate
"Bartren and that a small fine was
"to be imposed, no gaol term.
"There would be no confiscation of
"the seized money. All this has
"been arranged and he said 'You
"know these things happen.'"

Now, dealing first with the Orillia Athletic Club: was any approach made to you in regard to the disposition, by you, of the charges that you were dealing with, there?

A. No, there was not.

Q. And you do recall, or do you recall the trial involving what was known as the Tisdale Club, at Peterborough?

A. Very well.

Q. Now there, did any person approach you, and try to make arrangement about any disposition that you might make, of that case?

A. No sir, there was not. Might I explain more about it, than that?

Q. Yes, do.

A. That was a case tried by the Magistrate in Peterborough, and there were individual charges; and the evidence was

heard altogether, and the Court of Appeal granted a new trial. I was asked to go down and hear the case; I did not hear the case, and the then Magistrate Hopkins from Hamilton went and heard the case; and I made no - I made no disposition.

I heard it rumoured I was too tough.

Q. Who in fact did make the disposition of that case?

A. To the best of my knowledge it was Magistrate Hopkins, before he retired from Hamilton. I did not make the disposition of the Tisdale case.

Q. But in any event, even though you did not dispose of that, you say nobody approached you in any way shape or form?

A. No sir.

Q. In respect to that particular case?

A. No sir.

Q. In the course of the carrying out of your duties as a Magistrate, has any person approached you, and tried to improperly influence you, in regard to the manner in which you should discharge your duties as Magistrate?

A. No sir, never, other than character witnesses in Court.

Q. Have you ever had any interference from any senior member of the legal personnel of the Attorney General's department,

in respect to the discharge of your duties as Magistrate?

A. Definitely not; I have always felt I am not an agent of the Attorney General; but I have never had any interference.

Q. Have you any knowledge of any attempted interference by any of these senior personnel of the Attorney General's department affecting any of the matters which came before you, in the course of your duties?

A. No sir, I have not.

MR. WILSON: That is all, thank you.

THE COMMISSIONER: Are there any questions?

EXAMINED BY MR. MacKINNON:

Q. You did state that you remembered the Tindale Club?

A. Yes I remember it, because it was a special trip to Peterborough, and I did not hear the case. That is the only reason it stands out in my mind; I did not say ---

Q. Do you remember with the agreement of counsel, when you first went up there on October the 10th 1955, I believe it was - do you remember their agreeing to adopt the transcript of the evidence in the previous trial?

A. Oh yes.

Q. As the evidence?

A. I remember that; that I was

prepared to accept the evidence, but I did not want to make the same mistake that had been made before, andI was prepared to accept that evidence.

Q. What happened in the interval, subsequent to that date, to change your mind? Do you remember?

A. Yes. I did not know whether from a legal standpoint I could do it; I was worried whether there was a technicality, whether I was wrong in accepting the evidence, and the case going back to the Court of Appeal again.

Q. Did you advise counsel that you wanted to hear viva voche evidence?

A. Yes; it sticks in my mind now, that I did ask that, and that I did change my mind in view of the law; that I thought I was on safer ground if I heard the evidence over again.

Q. I think you said, apparently for some reason or other, that you were removed from the case?

A. Yes. They wanted another Magistrate, so I said alright, it is alright with me.

Q. How did that come to your attention?

THE COMMISSIONER: Who wanted it?

THE WITNESS: Counsel in the office said:

"Well, we are not going on today."

BY MR. MacKINNON:

Q. Whose office?

A. In the Magistrate's office. Counsel came in, and asked me if I would accept the same evidence, and I said no; and then they said:

"Well, we are going to ask for a "remand, and get another Magistrate" and I said that is fine with me.

Q. Well, was there any explanation given?

A. No, none whatsoever.

Q. Well, what I am wondering about is: why you did not continue to hear the case?

A. They wanted a remand, and I said alright, I will give you a remand, after I changed my mind.

Q. But it was a remand to yourself.

A. No, it was a remand to another date, after I changed my mind that I was not happy in accepting the evidence which had gone in. I was not sure of the legality of it.

Q. I can appreciate that, but what I am wondering is, how was another Magistrate about to shift into your place, when you had become seized of the matter?

A. I do not know; but he did, and he was there, and he disposed of the case.

Q. You are quite correct on that,

Magistrate; because Magistrate Hopkins did hear it. But what I was interested in, was how this shift was arranged?

A. It was done by reason of a request for a remand.

Q. Yes. Then, how were you advised that you were not to hear the case, because ---

A. Yes, I was advised that Magistrate Hopkins was going down.

B/4/AS Q. And who advised you of this.

A. I had a telephone call, but I do not know; it is some years ago now, and I do not remember who it was that telephoned me, that another Magistrate was going down. I would not want to say, when I do not know.

Q. Would it be the Attorney General's department?

A. It would have been the Attorney General's department that told me another Magistrate was going down, to hear the case; yes it could have been perhaps, or -- but, I do not want to be sure about it.

Q. And you say you heard at that time, that because you were too tough, that you were removed from this?

A. I heard around the Court, or on the way out, that I was too tough.

Q. Who advised you of this? I beg your pardon?

A. Nobody. It was conversation

I overheard; I overheard it as I was passing, on the way out of the building; there was a group of people; it was on the way out, passing.

Q. Do you know Joseph McDermott?

A. No, I do not know Joseph McDermott.

MR. MacKINNON: Thank you.

EXAMINED BY MR. BRAWIN:

Q. Just one question.

A. Yes Mr. Brawin.

Q. I have just one question that I would like you to help us with: was the case to be heard by you on October the 10th?

A. What year?

Q. 1956.

A. I did not ---

Q. You do not have the records?

A. No I do not. I was asked to go down to hear a case, that the then Magistrate at Peterborough was not able to hear, because the Court of Appeal had upset his decision.

Q. Yes, but you do not have any recollection or record of the actual date? No doubt we could get it somewhere else?

A. No, I have no knowledge of it.

Q. I see. And I assume therefore that you would not have any means of knowing how Feeley would know anything about the date of the case being heard, as early as

the 12th of September?

A. No, I do not know. I do not even remember how many times I was down there.

Q. How would he know that you were going to be sitting there? Do you know?

A. I do not know.

Q. Did you know as early as -- this was a special assignment I gather?

A. Yes it was.

Q. Did you know as early as the 12th of September that you were going to be assigned to Peterborough?

A. Oh, I do not know; I have no date when I was requested to go down. I do not even know whether I was requested in writing; it might have been a telephone request. I do not know.

Q. Do you know if you were informed some considerable time, before you were to go down?

A. Oh, I do not remember, Mr. Brewin.

Q. Perhaps I should not ask you where the record would be, of this.

A. I do not know.

Q. I suppose it would be in the Police Court in Peterborough?

A. I do not know.

MR. BREWIN: Alright.

THE COMMISSIONER: Where was your

home -base, as it were?

THE WITNESS: Well, I was appointed a Magistrate ---

THE COMMISSIONER: In this particular year, I am speaking of?

THE WITNESS: I had no - yes. I was in Willowdale at that time, after Magistrate Hellimrake left Willowdale I was in Willowdale. It was simply for that particular case that I was asked to go down, to hear it; but I was in Willowdale.

THE COMMISSIONER: Well, at that time were you being sent, from time to time, on different territories ---

THE WITNESS: No.

THE COMMISSIONER: To Guelph (? inaudible) or anything like that?

THE WITNESS: No. Not at that time; that was much earlier in my career. At that time I was permanently stationed at the Township of North York, in Willowdale.

THE COMMISSIONER: Who instructed you to go down to Peterborough, to hear this case?

THE WITNESS: The Attorney General's department, I would imagine would ask me, otherwise I would not go.

It would have been the Attorney General's department, and I think I have a recollection that Philp came to Willowdale, to take the Court that day.

THE COMMISSIONER: To switch?

THE WITNESS: Yes, switch courts. I think this is the recollection of mine; I would not want to be positive about it, but I think he did.

EXAMINED BY MR. WILSON:

Q. Before you go, maybe we could clear up what happened down at Peterborough.

Is it not a fact, as I read this report, that you had read some part of the transcript of the evidence of the first trial, before you made your decision to hear the evidence of the witnesses yourself?

A. I have, and I have a recollection that I read it all; I knew all, and now that you mention it, that was another thing that affected my decision, when they asked me for a remand: that I thought a remand was perfectly in order; I thought I would not be back.

THE COMMISSIONER: There was more to it than that!

BY MR. WILSON:

Q. Did not the Crown Attorney - wasn't he of the opinion that you had disqualified yourself, by having read the previous testimony, and then deciding to go ahead and hear the evidence?

A. Yes, that had been done, and

I remember it now, now that you mention it.

THE COMMISSIONER: That would explain why you did not go back.

THE WITNESS: That would explain why I did not go back.

MR. WILSON: Thank you very much.

The Witness retired.

CORPORAL W. J. [illegible], recalled

EXAMINED BY MR. WILSON:

Q. We were just about to discuss the reference to Dominic Mantell, Benny Niccoleti, and these other mens' names who appear on Exhibit 17.

What did he tell you about those gentlemen?

A. He named them: that Dominic Mantell and Benny Niccoleti who was a short guy - Robert and Louie; they were both American names ---

Q. Did he say anything more about them?

A. I have just recorded the names that he provided me with; Robert and Louie Iannoyelli; Frank, who was Benny's brother-in-law.

Q. Who was Frank?

A. Benny's brother-in-law!

Q. Benny Nicoleti's brother-in-law?

A. I would say probably that is what it was.

Q. You do not know what his last name was?

A. No.

Q. Who is Black Pete?

A. Black Pete; who is Black Pete?

Q. Yes.

A. There are many persons.

Q. What about Peter Sacco?

A. Pete Sacco was known as Black Pete.

Q. That is what I thought; and who is Nick Vacaro?

A. Nick Vacaro is a resident of Niagara Falls, and I believe at one time, and maybe still has something to do with the restaurant, or nearby, very nearby there.

Q. What did he say was the association of these people, to the Ramsey Club operation?

A. He named these as possibly some of those who would be the keeper, or the persons who would be considered to have some control, or exercise control of the

club?

Q. Is Vacare in Niagara Falls Ontario, or Niagara Falls New York?

A. Niagara Falls Ontario, to my knowledge.

MR. WILSON: Mr. Commissioner, I should like to call your attention to that fact that the brief which has been put in as Exhibit 102, under the heading of

"American keepers"

names Benjamin Niccoleti, and Dominic Mantell; and under the

"Canadian keepers",

names the two Robert and Louis ---

THE COMMISSIONER: I am quite aware of that.

BY MR. WILSON: What is the reference ---

THE COMMISSIONER: And this discussion was in May?

MR. WILSON: This was May the 20th.

THE COMMISSIONER: And the brief was in August?

MR. WILSON: Yes, August the 7th.

MR. MacKINNON: The delivery of them was.

BY MR. WILSON:

Q. What did he say about the steward?

A. He said that the steward there, in the club, was not too well versed in his duties, and that we should arrest these

Q. In Venice in Nineteen Twelve,

Marcus, or Eugene Paris Ben Tudor

A. Eugene Paris Cobenzl, to my

knowledge.

MR. WILSON: Mr. Commissioner, I

should like to call your attention to that

fact that the brief which has been put in as

Exhibit 102, under the heading of

"Services Rendered"

means Benjamin Nieuwlandt, and Benjamin Nieuwlandt

and none else.

"Benjamin Nieuwlandt".

Does the Honorable Lord Lucas ---

THE COMMISSIONER: I am quite aware

of that.

MR. WILSON: What is the reference ---

THE COMMISSIONER: And what difference

was it Mary?

MR. WILSON: This was May the 22nd.

THE COMMISSIONER: And the brief was

in August?

MR. WILSON: Yes, August the 7th.

MR. MacKINNON: The delivery of these

was.

BY MR. WILSON:

Q. What did he say about the

document?

A. He said that the element that,

in the club, was not too well versed in his

persons, and tell them they were going to jail, and take them to a Justice of the Peace; a Justice of the Peace, whom we should take with us.

Q. Did he tell you why he was giving you this information?

A. Why he was giving this information?

Q. Why he was telling you this.

A. Because he wanted me ---

THE COMMISSIONER: Because he wanted a raid made?

THE WITNESS: That is right.

BY MR. WILSON:

Q. And what did he say with respect to the promise from the A.G.'s department,

"to not roar down"? What was said there, exactly?

A. If we were -- if we would carry out this arrest, and take them before the Justice of the Peace, that we would be successful, and that there would be no repercussions back here; and it would not backfire. That he could give me the promise from the A.G.'s department that he would not roar down on us if this plan was carried out; and he dwelt on the fact that there would be guaranteed no repercussions from the A.G.'s office, and he would not see fit to take a

persons, and tell them they were going to jail, and take them to a Justice of the Peace, a Justice of the Peace, when we should take us.

Q. Did he tell you why he was giving you this information?

A. Why he was giving this information?

Q. Why he was telling you this.

A. Because he wanted me ---

THE CONSTITUTIONAL: Because he wanted a paid agent.

THE WITNESS: That is right.

BY MR. BRIDGES:

Q. And what did he say with respect to the pressure from the A.G.'s department.

THE MAN WHO?

What was said there, exactly?

A. If we were ~~we~~ if we should carry out this agreement, and take them before the Justice of the Peace, that we would be successful, and then there would be no representations back there; and it would not be effective. That he could give me the pressure from the A.G.'s department that he would not ever have to go to Ford plus was carried out; and he didn't on the face that there would be permanent no representations from the A.G.'s office, that he would not use the fix to take a

dim view.

Q. After you got that information, which you got, did you check with the A.G.'s department?

A. No I did not, sir.

MR. MacKINNON: Why?

MR. WILSON: Well now ---

THE COMMISSIONER: That is a proper question. Why?

BY MR. WILSON:

Q. Why did you not check with them?

A. Well, I did not do it.

THE COMMISSIONER: We know you did not; but why did you not? Why did you refrain from so doing?

THE WITNESS: One of the reasons, I suppose, is: when he was able to tell me this, and he was outlining this to me, I wondered why I should, and wait until the time came when we saw fit to carry out our own investigation, and do it as we might do it.

BY MR. WILSON:

Q. Did you report it to the Commissioner, or any other superior officer?

A. Other than matters of this nature, I have always discussed them with Anderson. We talked about that amongst ourselves.

/AS

Q. To your knowledge at that

time, did it ever get beyond Anderson?

A. Not to my knowledge.

Q. And this document we are dealing with, Exhibit 17: did it ever get into the official files of the Ontario Provincial Police?

A. No sir.

Q. Where was it kept, from the time it was -- (interrupting himself) these notes were written up, up until this; up to the present time?

A. It was kept in my own possession.

Q. In other words, it is being produced now for the first time, from your personal possession?

A. I would say yes.

Q. And it has been in your possession since May the 20th 1958? If that is the date? If that is the date you made these notes, up to the present time?

A. Yes sir.

Q. Why was that course adopted?

A. Well, we were -- I say we. I and certainly because of our association and our duties, and what we were experiencing, were of the opinion that our duties and efforts were being defeated; more so in connection with the established gambling clubs within the Province. We had worked hard; we had worked

(Mr. Hill is your personal bodyguard

Q. Not to my knowledge.

Q. And this document we are

dealing with, Exhibit 171, did it come out

into the official files of the Industrial

Development Bureau?

A. No sir.

Q. Where did it come from?

(Some is was -- (interrupting himself)

these notes were written up, up until this)

up to the present time?

A. It was kept in my own

possession.

Q. In other words, it is being

produced now for the first time, from your

personal possession?

A. I would say yes.

Q. And it has been in your

possession since May the 20th 1970 -- 20

years in the order. If that is the date you

made these notes, up to the present time?

A. The 20th.

Q. Why was that course adopted?

A. Well, we were -- I say so.

I and certainly because of our association

and our status, and what we were experiencing.

Also of the indictment that our funds and accounts

were being deferred; prior to in conjunction

with the authorized gambling club within the

FACILITY. We did without doubt, to the Indian

long; we had tried by many means to bring forth a prosecution of these clubs, and we were unsuccessful. And when information like this was being advanced from the type of person it was, I cannot help but say that I was suspicious, and very much so.

Q. Suspicious of whom?

A. Well, when person's names were mentioned, then you had to be guarded against, I suppose, all the persons referred to. And for that purpose we had reached, or I had reached the point for one whom we felt that now was the time as long as we could, between ourselves, protect ourselves, and advance into these things by taking as much information from where we could get it, and retain it for the future, whenever an opportunity might present itself.

Q. What time in the future were you holding it for?

A. Hoping for a prosecution, or that something in the future would develop, to try to redress some of this suspicion that we had.

THE COMMISSIONER: In August a brief came forward.

THE WITNESS: It did sir.

THE COMMISSIONER: And there was a raid?

THE WITNESS: There was sir.

things on that board by sheer memory in having trained a presentation of those things, and by some [illegible]. Well, some intermediate line then was going successful from the type of person it was. I cannot tell you but any that I was practitioner, and very much so.

Q. Suggestions of what?

A. Well, some personal issues were mentioned, when you had to be granted equitable, I suppose, all the processes referred to. And for that purpose we had reasoned, or I had reasoned the point for one week we felt that was too time as long as we could, because [illegible], [illegible] problems, but should [illegible] where we could get it, and results is for the future, [illegible] [illegible] [illegible].

Q. Were also in your future were you building it for?

A. Hoping for a prosecution, or that consideration in the future would consider, to try to receive some of this production that we [illegible].

THE CHAIRMAN: It looked a bit [illegible].

THE WITNESS: It did sir.

THE MONITOR: And [illegible] [illegible]?

THE WITNESS: There was [illegible].

THE COMMISSIONER: And even then you did not make references about this, to your Commissioner?

THE WITNESS: No, that is right; I did not.

THE COMMISSIONER: Well, if you had been keeping this report dated the 20th for future occasions, such as a prosecution?

THE WITNESS: Yes?

THE COMMISSIONER: That occasion had arisen. There was the raid and there was the prosecution!

THE WITNESS: Yes, that is right.

THE COMMISSIONER: Why didn't you bring it to the attention of the Commissioner then?

THE WITNESS: I don't why I did not; and as I have said, there are other matters mentioned here, that even though they do relate to the gaming house part of it, there are those that relate to other things, and I did not advance that. I knew Sergeant Anderson had knowledge of this, and he was the investigating officer; and while he would -- I well realized that he would act in my interest at all times, and I do not believe he advanced any of that at all.

BY MR. WILSON:

Q. You and Anderson agreed on this course of action?

THE CHAIRMAN: Did you ever you did not make references about this, to your Commissioner?

THE WITNESS: No, that is right; I did not.

THE CHAIRMAN: Well, if you had been keeping this report called the Eden Fire Future conditions, then as a Commissioner

[illegible] that

THE CHAIRMAN: That concludes Mr. Adams. Thank you for your good work on the Commission.

THE WITNESS: Yes, that is right.

THE CHAIRMAN: Are there any [illegible] on the witness or the Commissioner?

THE WITNESS: I don't say I did not; and as I have said, there are other matters mentioned here, that even through they do relate to the general issue part of it, there are some that relate to other things, and I did not answer them. I have forgotten whether that happens or this, and he was the investigating officer; and while he would -- I will reiterate that he would not in my judgment at all lower, nor I do not believe be advanced any of that at all.

BY MR. ADAMS:

Q. You and Anderson agreed on that course of action?

A. Yes we did.

Q. There is no question that the two of you knew you were breaching police regulations, in not making reports on things such as these.

A. That is pretty hard; you say "breaching police regulations"? We looked at it this way: that this thing was available; and we had worked together quite some time, and we had some frustrating times; and that many times we knew that our toils had gone down the drain, and when we were not too successful. And our mutual feeling was that we were prepared to retain this full well knowing that we both knew and if somebody higher up chose to floor us on this, then we were prepared to stand on our own, with this explanation.

Q. You were aware no doubt, when you got these things from Feeley, that he wanted you to take action on it.

A. Yes I know; he was urging me constantly to take action upon it.

Q. And you know his motives; his purpose was to eliminate competition.

A. That is right.

Q. Why did you not take action on it?

A. Because during that period of time, right in around that time, we had

Q. Yes, sir.

Q. There is no question where the use of your house was Democratic politic organizations in and making speeches on behalf such as these.

A. Yes, I'm pretty hard. You see "Democratic Action Organization" was formed in the mid-1960s. Some Negro Democrats and we had some Democratic clubs and that some time ago, and when we were not successful. And we wanted helping us to be more prepared to remain this fight with working hard to both them and if anything happen to come to fight us on this, then we were prepared to stand on our own, with our organization.

Q. You were going to court, was you just going along from today, and we wanted you to take action on it.

A. Yes I know. We was trying to particularly to take action upon it.

Q. And you have this meeting, the meeting was to eliminate compartment.

A. That is right.

Q. How did you get these buttons on it?

A. Somebody during that period or other, right in around that time, we had

undercover agents working, and we would try to get these -- we had two men who worked in Buffalo for some time, trying to establish contact to come down to Niagara Falls, because we knew the clientele who were going to Feeley, or which was Feeley's club, was changing its course, and coming to Niagara Falls, and that is why he was objecting? XXXXXXX

Q. As this information was given to you by Feeley, were you in turn passing it on to Anderson?

A. I discussed this with him at all times.

Q. Within a day or two, following receipt of the information?

A. Yes, I would say next morning.

Q. So that when we find in this memorandum, your notes of this conversation of May the 20th 1958, that would be passed to Anderson?

A. I would tell him in detail of the nature of the calls.

Q. And long before he got the brief from Stringer, he would have most of the information that was in the brief from you?

A. Yes.

Q. As a result of your contacts with Feeley?

A. Yes, I am satisfied he would

undercover agents working, and we would buy to get them — we had two who had worked in Burbank for some time, trying to establish contact to find out from Mr Edgars Hall, because we knew the attorneys who were going to Healey, or which was Healey's club, was connecting the events, and coming to Edgars Hall, and that it was to be a physical [illegible]

Q. As this information was given to you by Smith, was you to have passed it on to [illegible]

A. I discussed this with him at all times.

Q. Either a day or two, following receipt of the information?

A. Yes. I would say more somewhere.

Q. So that when we find in this conversation, your notes of this conversation of May the 20th 1952, that would be passed to Hammond?

A. I would tell him in detail of the message of the caller.

Q. And long before he got the letter from Hammond, he would have read or the information that was in the letter from [illegible]

A. Yes.

Q. At a period of time commence with Healey?

A. Yes. I am particular to would

have.

Q. Now, going to Exhibit 17, and your notes!

THE COMMISSIONER: Let us have a recess.

(Page 2965 follows)

---On resuming after recess.

THE COMMISSIONER: Q. There is one thing I want to get clear. Any time a raid was decided upon did you take the Commissioner into your confidence?

A. That was not necessary, my lord.

Q. Well, who decided whether a raid should or should not be made?

A. I would say Sgt. Anderson and myself pretty well decided the raids. We were left on our own a great deal. It was left to our discretion. When we knew or felt we had sufficient evidence or a complaint or sufficient material to make a raid, then we would talk about it and -- it wasn't uncommon that if he were away for a few days and I were there and I felt a raid should be made, then I made the decision, and certainly he, being the senior officer, had the right to do this himself if I was away. We controlled that pretty well for ourselves, for our own office.

Q. That is what I understood. Now, that leads me to my next question. The information that you got from Feeley on May 20th was substantially the same as the information that was contained in what we have referred to during these proceedings as the Stringer brief?

A. Yes; I am aware of that, sir.

Q. And it wasn't long after the Stringer brief was received that you did make a raid?

A. I didn't make a raid. Sgt. Anderson made a raid.

Q. I know. Then why did you not make a raid shortly after you got this information from Feeley?

A. We had an undercover agent working on this club. We had talked about an undercover man ourselves without his telling us to have an undercover man. We didn't need to accept his wisdom to tell us how to do our own work. And we did have — I am trying to think of the lad's name.

Q. Is this the fellow from Buffalo?

A. He was on duty in Buffalo for this purpose, the purpose of this club, feeling that he would establish his contact there to come back into Niagara Falls.

Q. Well, had he got into this club, this Ramsay Club, as of May 20th?

A. No. He was never successful in getting in there. We never had a police officer in there. Certainly if we had an undercover man in there it would be much more desirable than our having to go through the process of ~~making~~ breaking into this establishment sometime at night undetected and to go through the routine as shown here.

Q. Well, that is your explanation for not having raided shortly after May 20th, is it?

A. That is one of the reasons, yes, sir.

Q. Is there any other reason?

A. Yes. One other reason was this, and I talked to Feeley about this; we were getting a lot of interference about this; there was a great deal — let us say the heat was on as far as this Club was concerned. Now, that is not a desirable time to raid anyplace. The most desirable time from my standpoint is when things are going along smooth and there is no reason to suspect anything or that anybody is creating any disturbance over the matter, and then move into it as effectively as you can. But certainly when the heat is on a place, well you can expect almost anything. And for him to be as energetic as he was in advancing this repeatedly day after day at this particular time, well I questioned in my own mind the advisability of it.

Q. Well, it was obvious that he was giving you this information hopeful that you would make a raid and get rid of this opposition?

A. This is true, yes.

THE COMMISSIONER: All right. Yes, Mr. Wilson.

MR WILSON: Q. To go on with the notes you made in Exhibit No. 17, "Charter, Fort Erie," and so on there, will you just explain what those references following there are?

A. He said that the Ramsay Club charter was for record purposes issued to Fort Erie; it should be, if operating any place at all, at Fort Erie.

"Get their books at the lawyers

"and nothing will be in order". Now, that is to get a court order and get the books for the Club, and that nothing would be in order. Of course from this we would be able to establish that this was not a properly run bona fide social club as it was supposed to be.

He said "Write say/~~[illegible]~~ displayed." He was making reference to the plaques on the wall in these sort of clubs which usually display the names of the steward, the secretary and the president of the club is usually displayed. But that would not correspond to what the records were for the purpose of the Department of the Secretary of State as shown in their returns there. And the chances are that the persons we would talk to would not know even who the lawyer was. He said when we dealt with them we should try to get $5,000 as bail, and this at least would keep them out.

And it was here where he suggested that the presiding magistrate there would take this bail from them.

Q. That is the Magistrate Johnstone Roberts who is mentioned here?

A. Yes, that's right.

Q. What is the reference to Sacco's brother and the gift shop andScrip Mitchell?

A. I would say he told me that Sacco's brother runs the gift shop. I don't know that to be a fact. That is what I have there. To explain it now, I am not positive of that. And he made reference to Scrip Mitchell as being there, that he would be there. And of course this we knew.

He said that Monday was a very busy night, that there'd be 50 or 60 people there between 9 and 9.30 P.M. They go every night and that the customers drive their own cars, that they depend upon a strong doorman and the "locals" to give the "off".

Sixes and eights would be there present as the layout for the centre.

He made reference to the fact that this dealing there would not be like dealing with the persons at Cooksville, that they had a 5-year clientele out there and there were no "misfits".

Q. In this same Exhibit you record a further contact, I take it, you had and maybe we better follow the contacts chronologically. What was your next contact after May 20th, 1958?

A. The next day, May 21st.

Q. Was that a further telephone call?

A. Yes. "Call from Feeley - one and a half hours re Ramsay Club, Niagara Falls, Ont. See record on file. Crescent 8-2538 (registered to H. Costello, 5 Woodlawn Port Credit)."

Q. And then there is a reference to somebody in the Attorney-General's department inquiring re Feeley and Gardner?

A. Yes, that's right.

Q. Now, first of all, dealing with the call from Feeley, this was for an hour and a half you talked to him?

A. It was approximately an hour and a half, yes.

Q. You talked to him for an hour the day before?

A. Yes.

Q. And this one was an hour and a half?

A. Yes.

Q. You made notes of this one of May 21st and they form part of this Exhibit 17

that we have just been looking at?

A. Yes, sir.

Q. Maybe by reference to the notes you can just go ahead and tell me what was said rather than have me read those notes and then you tell me what they mean or what they were based on?

A. Yes, sir. He stated that the charter, the return on the charter had not been filed for two to three to five years.

Q. That is the Ramsay Club, is it?

A. Yes.

Q. Yes.

A. "Call Ottawa and have it checked. The directors will not have been changed." He then named some of these same persons ---

Q. Well, let's have their names because it may be of some importance?

A. Yes, I intended to relate those names; Benny Nicolletti, Dominic Mantele. And I have them bracketed; the big boss connected with the Mafia, and they were indicted by the grand jury and convicted.

Q. Just before we leave them where were they from?

A. I believe them to be American citizens.

Q. You don't know anything about

them beyond that?

A. No; all I know them is as names.

Q. Yes.

A. Frank Olivello, U.S.A. gaming house. The steward would be Ralph Aggretti. And he ---

THE COMMISSIONER: Q. Anything more about Olivello?

A. My understanding is that he would have been convicted or connected with the gaming house in the United States.

MR WILSON: Q. That wouldn't be Frank Cabello, would it?

A. I don't know. I have it written here as O-l-i-vm- e-l-l-o.

Q. He is another American, is he?

A. Yes, that's right. When you raise that point, Mr Wilson, when I come to the part of May 22nd I do have a name recorded there as Frank Cabello.

Q. That is why I wanted to ask you about it. Is that the same person or do you think it is?

A. I am inclined to think so because at the time he related some of these names to me he just wasn't sure himself of some of the spellings and the accurate names of the men involved.

Q. All right. Carry on with that, if you will, please?

A. He said that the steward was Ralph Aggretti who had a record, who had been convicted of keeping a gaming house, and that he was a weak person and he would be the secretary-treasurer also; that the president was Mike Paulo who was working at the door at the top of the stairs. I have the words "Vice-president" and nothing after that, sir.

Scrip Mitchell worked in the kitchen.

That we should take one man for every three or four persons and that Jim Sacco was the owner of the store and he rents to a Mrs Jackson. We could get into the basement of the store to get at the club. The store was also a post-office and it was here he mentioned that we may be able to get a key to this establishment through the post office in view of the fact that this store operated as a sub post-office or whatever you call them where a small variety store has postal facilities there, and that we may be successful in getting the key to this establishment through the postal authorities in some way or another.

That the Drake Hotel parking lot was used; that there was new money, bundles of money there; and from the wrappers that we would find around we would get the name of the bank

where this money had been despatched; and that the money was treated with tailor's soap every night. It would be new money, and that they soaped down each side of the money so it would slide.

He said there would be white spots on the table, soap spots, and that we should take the box, any box of tailor's soap there that we found there and have it analyzed, have an analysis performed on it for the purpose of comparison with the soap on the money, as to the soap residue on the table-cloth.

That we could check at the bank, going from the bank wrappers, check at the bank for the serial numbers and see who obtained that money. It was then I asked him why at this time we never found any money at the Cooksville Club, and he said "We settle the next day, it is all chips; Fort Erie is the same now".

During this conversation there was an interruption on the call and -- a cut-off on the call -- and the operator came on the line and I told her that there had been a cut-off and she asked who I had been calling and I told her that the party had called me, and I was able to obtain from her a telephone number of the cut-off.

Q. What was that number?

A. She gave the number as Crescent 8-2538. And she rang the number and the party

came on and I asked for Vince, and he said "He's not here". I said, "Well, he must be; I just finished talking with him and I was cut off". This male person said "He used this number. I had to say it was the party that was cut off. Hang up, and he will call you back. Just say you talked to Jack".

So I hung up and the call then came through and I talked further with Feeley.

Q. Did you find to whom that Crescent 9-2538 (sic) number was registered at thattime? I'm sorry; it is Crescent 8-2538.

A. Yes; I caused inquiries to be made and learned that it was registered to an H. Castello, 5 Woodlawn, Port Credit. Subsequently I examined records and materials relating to that number and in the offices of the Bell Telephone Co.

Q. We will come to that. Did you also interview Mr Castello or the person who ---

A. No, I did not.

Q. Did somebody else?

A. I don't know whether they did or not.

Q. Now, who was the "Jack" that answered; do you know? When you called back and ---

A. I don't know that. He just said "Jack" and I didn't ask him his name. I

wasn't trying to have too much suspicion aroused. I would have liked to have had this connection remain.

Q. Is that all that was said in this hour and a half conversation you had with Feeley on that occasion?

A. Well, it didn't take me that long to relate it here but he was very repetitious of a great many of these points, sir.

Q. Yes?

A. I'm not sure which call this was of the three but when ~~up~~ each night it was the same thing, and there was a time when he would say "Now, wait just a minute, let me see here" and then he would pause and then he would renew his inquiry. And during this time I could tell he was referring or I could hear a sound similar to that of paper rattling, close enough to the phone for that, which caused me to believe that he had this prepared in some form to pass on to me. And several times throughout the conversation he would stop and say "Well now, wait now; just let me see here; just a minute". And then he would come back. The whole matter was very repetitious, sir.

Q. What was your telephone number at that time?

A. Amherst 1-8884.

Q. What was the next contact you had with Feeley?

A. It would be the next day, on May 22nd.

Q. You made notes in respect of that call too?

A. Yes, I did. My diary note says that ---

Q. Your diary note says what?

A. I'm sorry; I was looking for it. Yes: "Received call from Feeley re Ramsay Club. Also indicated knowledge of check on licence etc as of May 20 and 21st. See notes on own file. Broken call. Said will call;possible long distance call".

Q. When you say that appears in your diary, you are reading, I take it, from something other than your official police diary?

A. No, I am not sir; I am reading from my own ---

Q. Oh, your regular diary for 1958?

A. Yes.

Q. Yes, you are quite right. Now, did you make notes of that call which form part of Exhibit 17?

A. Yes, I did, sir.

Q. Tell us what the substance of that conversation was. First of all, how

long did it last?

A. I have a notation here: "May 22nd, 1958, 10.45 P.M. to 11.45 P.M." Now, those would be approximate times. This is not ---

Q. By this time he would have spent in three nights or in three calls three and a half hours talking to you?

A. Approximately, yes; a considerable time.

Q. And all about what youshould do about the Ramsay Club?

A. That's right, sir.

Q. Now, just tell us what he told you on May 22nd?

A. He referred to six names again and he seemed more definite on these at this time. Frank Cabello would be the boss, Danny Sansonese would be a stick man. Steve Pierie would be a stick man. John ~~Skrzynski~~ Olszynski would be an end man. Carl Smolco would be a dealer. And Frank Magliarditi would be a dealer.

Q. Did he tell you whether these were Americans or Canadians?

A. I have no individual notations. I only know through the conversation that a number of them would be Americans. He mentioned the fact about the post-office again and again about getting a key for the souvenir store.

And he stated that if somebody should call us to register a complaint I should accept it as being an original complaint and take the information, that if it came from -- and he named "Jolly, Magistrate, Pay, Scott ---"

Q. Yes.

A. I am just trying to make this out. I believe his reference was that I should take the complaint and perhaps say -- well, not say "Yeah, we heard that" or indicate we had beforehand knowledge. He said"We do that all the time to get somebody up".

THE COMMISSIONER: Q. What does that mean in their language?

A. That they call -- they would call and say they were some official person or someone recognized as an authority and that they would lodge an complaint, representing themselves as that person, and more prompt action would be taken as a result of that in preference to an average individual.

MR WILSON: Q. In other words, what than was the significance of these four names?

A. Well, he was, I think, just naming names in general in that area who may be a person who might make a complaint.

Q. But it might not be them; it might be somebody saying they were, say, Scott or somebody else?

A. This is what he has said, yes,

sir.

Q. Yes. Now then, what about Gimpy?

A. He referred to Benny Nicolletti as being the person who had had an accident some time prior to that and it would be Gimpy who would be at the door and send the guys in from the hotel parking lot. He said there would be a lot of $50 bills in play. And he say "We beef to the A.G.'s office" and he says "Don't do this, that and the other thing" and "You have to use us different", that this is not legal. And he also made reference ---

Q. Well, did he explain that? I find that a little hard to follow. Just what did he say?

A. He said, he was referring to the fact that when they were being bothered, if it was at a time when they were being bothered ---

Q. By whom?

A. By the police. "We beef to the A.G.'s office" and he says to us "Don't do this, that and the other thing" and that we have to use them different as a result of this, and that our tactics are not legal.

Q. What is this "Don't do this, that and the other thing"? What is that?

A. Well, that was just a saying of

rit.

Q. Now then, what about Chang?

A. He referred to Chang Hsien-lieh as being the person who had had an intelligent idea when you so stated and it would be Chang who would be at the door and send the guys in from the Central Punching Lot. He said there would be a lot of the white in pity. and he may "the head to the A.G.'s office" and he says "you're in this, kind of the white Chang" and "you have to use the differentiation" that this is not legal. And he also made reference ---

Q. Well, did he mention name? I mean that a little hard to follow. What when did he say?

A. He said, in was referring to the time that they were doing Bonifacio, as it was at a time when they were being bombed ---

Q. By whom?

A. By the police. "He head to the A.G.'s office" and he says to me "Don't do this, that and the other thing" and that we have to use them different as a result of this. and then the results are not legal.

Q. What is this "don't do this, that and the other thing"? What is that?

A. Well, that was just a saying of

his. I use it myself: "this, that and the other thing". This is what he says; he says "Don't do this, that and the other", rather than that he spelled out further to that specific items. I have no record of it. That was his wording.

Q. What is the reference there "You have to use us different"? Who is "you"?

A. We, as police.

THE COMMISSIONER: Q. "Have to use" -- yes; have to use who different?

A. Well, he says "us". In our conversation I would only associate that phrase with him and his associates in his gambling field as we knew it.

MR WILSON: Q. Well, did he say why you had to use them different?

A. He didn't say. This is just what he said.

Q. Then following that expression "You have to use us different" you have"That is not legal"?

A. The way we used them.

Q. The way you used them?

A. He says, "Don't do this, that and the other" and "You have to use us different. That is not legal".

THE COMMISSIONER: Q. Well, that is about as clear as mud.

A. I'm sorry, sir.

[illegible] I use it specific "this, that and that other thing". This is what is meant by saying "[illegible]'s do this, that and the other". Another [illegible] [illegible] by that [illegible] [illegible] [illegible]. I have to convert it to [illegible] [illegible].

Q. What is the [illegible] "You have to use it differently"? How is "you"

[illegible]

[illegible] — your [illegible] to use this differently?

A. Well, he says "no". In one [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible].

Q. [illegible] Well, do he say you just had to use them differently?

A. He didn't say. That is just what he said.

Q. [illegible] "You have to use differently" you [illegible] [illegible] [illegible]?

A. [illegible] [illegible] [illegible].

Q. [illegible]

A. He says, "[illegible]'s do this, that and the other" and "you have to use [illegible] differently. That is [illegible]".

Q. [illegible] Well, [illegible] [illegible] [illegible] [illegible] [illegible].

A. I'm [illegible].

Q. Well, does it make any sense to you?

A. Yes, it does, sir.

Q. Tell me what you interpret it to mean.

A. He is referring to the manner in which we should use the occupants of this club.

Q. You are now talking about the Ramsay Club?

A. Yes.

Q. Yes?

A. And in so doing if we do this "we beef,"if we use them the same,"we beef to the Attorney-General's office." I take that -- I take it from that that when they are being bothered they beef in some way or another to some official or authority. He says "Don't do this, that and the other and you have to use us different". By the process we are applying to them we are told, this is in Feeley's words, we are told that this process is not legal and therefore we have to alter our procedure.

Q. Well, you may understand it, Mr Wilson, but I'm sure I don't. Do you understand it?

MR WILSON: No, I am afraid I do not, Mr Commissioner.

THE COMMISSIONER: I'm sure I don't

Q. Shall Gene do more any sense to you?

A. Yes, it would.

Q. Will you please your attorneys in so doing.

A. No is referring to the answer in which he should use the occupation of this club.

Q. You are now talking about the money side?

A. Yes.

Q. What?

A. And in so doing it we do this to the attorney-counsel's office." I take that — I know it from that that when they are having concerned they have to show why or consider to some official or authority. He says "Now's do this, that and the other and you have to use us different". By the process we are supposing to them we are said, this is the money's money, we are said that this income is not legal and therefore we have to also our procedure.

Q. Well, you may understand it, my friend, but I'm sure I don't. Do you understand it?

MR. MILLER: No, I am should I do not understand.

MR. CHAIRMAN: Q. Is Gene I don't

either. Do you want to try again?

MR BREWIN: Mr Commissioner, I will volunteer to state my understanding of it, to elucidate it, if I can. I believe it is quite clear to me. Perhaps I can elucidate it when I come to cross-examine.

THE COMMISSIONER: Well, elucidate it now. I don't understand it. See what you can make of it.

MR BREWIN: He is discussing here the proposal to make a raid on the Ramsay Club. He is discussing the fact that they are going to do various things, arrest some of the people who are found in and take them and examine them right away, and do various suggestions as to how to make an effective raid on the Ramsay Club.

THE COMMISSIONER: I understood that part.

MR BREWIN: Yes. That is the background. Then he said that "our bothering and raiding the Ramsay Club would not receive the same direction from the Attorney-General's office as when we bothered their clubs". Take for example the Cooksville Club, when they bothered the Cooksville Club. He is saying here that somebody on behalf of the Cooksville Club or Feeley and MacDermott is making complaints about illegal methods that are used by the police. And he says somebody from

silence. Do you read in our speech

MR GRAHAM: Mr Commissioner, I will endeavour to assist by summarising of it. To elucidate it, if I can. I believe it is quite clear to us. Perhaps I can elucidate it when I come to cross-examine.

THE COMMISSIONER: Well, elucidate it now. I don't understand it. Now what you can make of it.

MR GRAHAM: He is discussing how the proposal to make a raid on the Rosehill Club. He is discussing the fact that they had to do various things, arrange some of the people who had to act with them and generally make plans ready, and do various suggestions as to how to conduct an effective raid on the Rosehill Club.

THE COMMISSIONER: I understand that part.

MR GRAHAM: Yes. That is the background. Then he said that "our informing and aiding the Rosehill Club would not involve the same division from the Administrative's calling on them as formerly some claim". This is simply the Coonawilla Club, when they assumed the Coonawilla Club. He is saying here that somebody on behalf of the Coonawilla Club or Rosehill and Metropolitan to assume complicity about illegal methods that are used by the police. And he says nowadays from

the Attorney-General's office says to the police "You mustn't use these particular methods; they are not legal; they are not proper methods. You won't get that sort of trouble. Therefore you have to use us differently. We have, shall we say, some smart lawyers who keep after the Attorney-General's department and complain about the way they are treated. You don't need to bother about that when you go after the Ramsay Club because you won't get the same complaint or the same treatment".

That is what I think he is saying, Mr Commissioner. It seems to me that is fairly clear. Perhaps the witness will agree with me, if that is what he understands.

THE COMMISSIONER: Q. You tell me now what you understand: "We bad to the A.G." Who is "we"?

A. From my way of thinking, it was Feeley and his associates. Without him naming the associates, this is the only group that I could refer to.

Q. That they complain to the Attorney-General's department?

A. Yes.

Q. He says that. Now who is "he"?

A. He says "he". There is no person named there.

Q. Well, is "he" talking about Feeley?

A.

the Commonwealth's citizen body in the
public "The people's non-human particular individual
study are not legally study are not proper
subjects. This wasn't the case at trial.
Therefore you have to see us differently.
In fact, until so early, some people lumped the
Keep after the Commonwealth's department and
complain about the way they are treated.
You don't need to bother about that when you
be dealing for Commonwealth citizens you don't you
the same complaints or the same treatment".

That is what I think he meant.
or inconsistency. It seems to me that is fairly
clear. Because the witness will know will on,
it that is what he meant.

THE COMMISSIONER: Q. You tell us now
what you understand. "We bowed to the A.G."
Who is "we"?

A. From my way of thinking, it was
really and all commonwealth citizens are people
the commonwealth, this is the only group that
I would refer to.

Q. That they complain to the Attorney-
General's department?

A. Yes.

Q. He says that. Now who is "he"?

A. He says "he". Where is he
person named there.

Q. Well, is "he" talking about
Tonight?

A. No, no.

Q. "We beef to the A.G." ---

A. Yes.

Q. "--- and he says". That is the A.G. says?

A. That is what he says.

Q. "Don't do this, that and the other thing"?

A. Yes.

Q. Yes?

A. "And you have to use us different".

Q. "You have to use us different". Now, that is not the A.G. saying "You have to use us different"?

A. No; Feeley says that we, them, as a result of this, when he says "You cannot do this, that and the other thing," then Feeley says then we, as police have to use "us", Feeley and his associates, different. And that certain phases of what we -- of the action we may be employing are not legal. I attribute this part here back to the part of the call of the 21st where there was reference about where if we apply this process it wouldn't backfire at this club here.

Now, I have nothing contained in this particular day's recordings here that says to see back there anything else but that is what I attribute that part of the conversation back to.

Q. Well, he was saying that certain methods you were using were not legal?

A. Yes.

Q. But that you could use illegal methods at the Ramsay Club?

A. Well, he didn't say that.

Q. Well, he said "You have to use us different"?

A. Yes, but I cannot attribute that to anything particular. They were legal.

Q. Well, all right.

MR WILSON: Mr Commissioner, I am afraid that is the best we can make of that at the moment.

Q. Coming back to Gimpy, what did he tell you about that entry?

A. He told me that Gimpy was the same man that used to be on the door at Fort Erie.

Q. The man that used to work for them at what club at Fort Erie?

A. Oh, this would be — what period of time is it? There was different clubs operating at Fort Erie.

Q. We are now in '58. So it would be the Frontier Veterans Association, in 1958. It might have been earlier that Gimpy ——

A. It would be earlier than the Frontier. It would be either the Ramsay Club when it operated there or the Canadian

Q. Well, do you mean during that conversation you never heard Mr. Angell?

A. Yes.

Q. But what you could see in Lincoln Park at the Kenny Club?

A. Well, he didn't say that.

Q. Well, he made Yes have to do with it?

A. Yes, but I remember distinctly that to anything particular. They were legal.

Q. Well, all right.

MR. MILLER: Mr. Commissioner, I am satisfied that in this case we can make or take it for the moment.

Q. Coming back to Gidgey what did he tell you about being arrested?

A. He said he think Gidgey was the person who came down to Lo on the door of front door.

Q. Who else did he said to have been the head of Lake Park Club?

A. Oh, Ziva would be -- what proposed my time at 147. There was Lincoln Club operating at Park Place.

Q. Do you know Jo "Sa". Do it would be the Protestant Veterans Commission, Mr. Ziva, by Gidgey that Ziva [illegible] ---

A. He would be saying that he [illegible] "Protestant". It would be a [illegible] Club. It would be a [illegible] Commission.

Merchant Navy Veterans Association or even back in the Lorelei days. His reference was when Gimpy had worked for them.

Q. He said when Gimpy had worked for them?

A. Yes.

Q. What was Gimpy's last name?

A. It is Sliegel or Siegel, something like that.

Q. Is it Siegel?

A. I don't believe I ever had occasion to investigate him. He was always referred to me as Gimpy.

Q. You have a recollection that it was Siegel?

A. Yes, from something I have heard.

Q. And what is the expression "Let Woods in"?

A. I asked him about letting Woods — Woods was a Provincial constable who worked there undercover in Buffalo for the purpose of the Lorelei Club or the club in Port Erie. And he was let in there one time. I asked Feeley about that and he said it was an error, and — an error that he got in there.

Q. Gimpy shouldn't have let Woods in? That is what it amounts to; is that not correct?

[illegible] [illegible] [illegible] [

A. Yes.

Q. "Say knows Benny and Dom"?

A. He was to tell him, if he went there, that he knows -- anybody going there for the purpose of getting in -- that they knew Benny and Dom. That would be Benny Nicolletti and Dominic Mantele.

Q. And Benny Nicolletti had an accident; what was that in reference to?

A. He told me that sometime prior to this that Benny Nicolletti had had some kind of a motor vehicle accident.

Q. Then the next reference is something that I will deal with with you when I recall you later. What then was the next contact you had with Feeley? Is the next one May 27th? Look at your diary and see if you have a reference like that there?

A. I have a reference that says "Feeley called this date" but that is all that is recorded.

Q. Well, in Exhibit 17 there seem to be some notes there?

A. I wonder if we are at cross-purposes. I believe that is a separate set of notes I commenced to keep. What date did you say, sir?

Q. May 27th, 1958. If you look at Exhibit 17 you will find it forms part of the Exhibit.

Q. Why?

A. "Say hmmm Smoky and Smoky"

Q. He was to call him, if he and Smoky, then he knew — nobody going there for the purpose of getting in — that they have money and was. That could be Smoky Blackiston and Donlaire Washington.

Q. Did Smoky Blackiston and Donlaire Washington ever call in vulcanoes and

A. He said he then mention prime to take care Smoky Blackiston and Donlaire Washington prime vulcanoes prime.

Q. Then the next morning is morning back I will deal with with you when I recall you James. Now then was the last conversation you had with Smoky? In the same way, Also at your Smoky and was it in was a vulcanoes Lil. call Smoky.

A. I have a reference that Smoky called that dealer had that to sell from an vulcanoes.

Q. M.Ll. in Mobile if there was to be some Mobile Smoky?

A. I wouldn't if we are at vulcanoes. I he came from in a vulcanoes and moves I commenced to Smoky. That does not you say, no?

Q. Hey Jim, Jim. Is you look at Mobile if you will find at Jimmy part of the Smoky?

A. Yes. Those other dates, I have my own rough notes at that time and I cannot find my rough notes. I would rather go from them, to cover those. Now, it is May the 27th?

Q. Isn't Exhibit 17 in your own handwriting?

A. Yes, it is, sir. I have prepared this. There is no doubt about that. What I was saying was that I had been referring to the original notes I had made. This is a copy of those.

Q. Have you separate sets of notes that are different?

A. No, they are not different.

(Page 3005 follows)

THE WITNESS (Continued): But I didn't seem to have one of those for the twenty-seventh . Now, whether I have written this right in at the time into this book, I am not sure, but I have the diary note to indicate that I have.

MR. WILSON: Now at this stage ---

THE WITNESS: 'Feeley called this date'.

Q. You have two diaries by this time, haven't you?

THE COMMISSIONER: Not two diaries?

MR. WILSON: For 1958, yes, Mr. Commissioner.

THE WITNESS: This has not been introduced.

MR. WILSON: He has got what he calls the regular police diary, and he has a special diary.

THE WITNESS: It was another diary because it was dated, and what not, and I could refer to it that way.

Q. Well the special diary is a diary that was not a police diary, it was your personal diary, wasn't it?

A. Yes, that is right.

Q. And maybe we had better clear that up right now. The regular diary has

[illegible]

[illegible] Now, whatever I have written this night in as too time into this book, I am not sure, but I have two diary mess to handcuffs time I have.

[illegible]

The [illegible]: 'Lately called into [illegible].

[illegible] You have two diaries by this time, [illegible]?

[illegible]

[illegible]

[illegible]

Commissioner:

[illegible]: This has not been [illegible].

[illegible]: He has got what he calls the regular police diary, and he has a special diary.

[illegible]: It was another diary because it was dated, and what not, and I could refer to it that way.

[illegible]: Well the special diary is a diary that was not a police diary, it was your personal diary, wasn't it?

A. Yes, that is right.

[illegible]: And maybe we had better clear that up right now. The regular diary has

reference to Feeley, and the special diary also has reference to Feeley. The special diary is a lot fuller, isn't it, on certain items?

A. Yes.

Q. And certain items that appear in the special diary, do not appear in the regular diary?

A. Well there would be a brief note in the regular diary. I feel the note says nothing other than a call.

Q. Let us just take the first note you have in the special diary, and if you would just read - I will just read - have you got a copy before you?

A. Yes.

Q. It is headed "Special Diary 1958", and these words appear - and do they appear in your diary?

" Due to the fact Vincent Feeley
"was able to call me at any time
"and tell me of so many things
"which related to the operations
"of the Branch and it's personnel,
"as well as tell me almost immediate-
"ly, when a report was submitted,
"and when there was no apparent
"help coming in this respect, it
"was decided to post items of a

items?

A. Yes.

Q. Was certain items that appear in the special diary, do they appear in the regular diary?

A. Well there would be a brief note in the regular diary. I feel the more sage meaning other than a call.

Q. And we have here the first note you made in the special diary, and if you would just read - I will just read - here you put a story before you.

A. Yes.

Q. It is headed "Special Diary 1950", and three words appear - and do some appear in the diary?

A. Due to the last Tuesday
"was able to call me at my home
"and well as of so many things
"and on reported to the operations
"of the month and it's pertinent.
"We will be well as after hospitals-
"ly, when a report was published,
"this seen there was no experience
"help coming in this regard, it
"was needed to pass items of a

"more important nature, in a second
"diary, which I retained at home.
"There are very few of these items
"but what there were are as
"recorded."

Now, do the words I have just spoken, do they appear in your special diary?

A. No, they do not, sir.

Q. But those are your words, aren't they?

A. Yes.

Q. And ---

THE COMMISSIONER: Taken from what?

MR. WILSON: From a chronology of the entries in the special diary.

THE WITNESS: But I don't feel what you have read is attributed to any specific date, is it sir?

MR. WILSON: It is the opening paragraph, before the notations for the individual dates.

THE WITNESS: Yes, but there is no suggestion that that is attributed to any particular diary date - that was ---

MR. MacKINNON: This was prepared for Inspector Graham - be fair to this witness - statements he made to inspector Graham.

"more important matters, in a second

"diary, which I assumed as some.

"There are very few of these items

"but what these were are as

"remembered. "

Now, do the words I have just uttered, do they

appear in your personal diary?

A. No, they do not, sir.

Q. But these are your words, aren't

they?

A. Yes.

Q. And ---

[illegible]

[illegible]

Q. [illegible] Give a summary

of the entries in the personal diary.

THE COURT: Not I don't feel that

you have read in sufficient to any specific

date, is it not?

MR. [illegible]: It is the opening

paragraph, before the specific for the

[illegible] year.

THE COURT: Then, the fact is

no suggestion that that is admissible in

any particular diary date - that was ---

MR. [illegible]: That was proposed

for impeacher purpose - be fair to this

witness - statements be made to impeach

[illegible]

MR. WILSON: I will get to that.

MR. MacKINNON: I don't know why you have not got to it sooner. It elaborates all this.

MR. WILSON: Have you got the original?

MR. MacKINNON: I have not got the original, you have it. I have a copy of it.

MR. WILSON: Have you got the original of this?

THE WITNESS: No, it was forwarded to Inspector Graham.

MR. MacKINNON: There are two documents, one dated April 11th, 1961, and one dated April 15th.

MR. WILSON: I have them both.

MR. MACKINNON: I thought you did have.

THE COMMISSIONER: While somebody is looking for something, just let us get on. You have got -- show me that paper I handed to you a moment ago.

THE WITNESS: Yes, sir.

THE COMMISSIONER: Now here you have an item "May 27th, 1958".

THE WITNESS: Yes, sir.

THE COMMISSIONER: You got a call from Feeley that day?

MR. BANNING: I will put to court.

MR. CONNECTICUT: I don't know why you have not got to to course. Is [illegible]?

THE CLERK: Have you the [illegible]?

MR. MONTGOMERY: I have not got the [illegible] I know a copy of it.

MR. MILLER: Have you got the original or [illegible]

THE WITNESS: No, it was forwarded to [illegible].

MR. MONTGOMERY: Have you [illegible], you [illegible] [illegible] and [illegible] [illegible].

MR. MILLER: I thought you had [illegible].

THE CHAIRMAN: While [illegible] is looking for something, just let me get on. You have got -- [illegible] paper I [illegible].

MR. BANNING: [illegible]

THE CHAIRMAN: Have [illegible] [illegible] [illegible] [illegible].

THE WITNESS: Yes, sir.

THE CHAIRMAN: You are a [illegible]?

THE WITNESS: I did, sir.

THE COMMISSIONER: All right, do you make a note of it here in exhibit number seventeen?

THE WITNESS: I am saying that that is the contents.

THE COMMISSIONER: All right, let us get that on the record.

MR. WILSON: Tell us about any references in those particular notes you made of that conversation, that relate to the Ramsay Club.

THE WITNESS: Of the twenty-seventh?

Q. Yes.

A. Yes, he said that there was a crowd on Sunday and Monday, and 'don't let get organized'. I have 'Pete Bacco checks', I just don't recall ---

Q. What does that mean, 'don't let get organized'?

A. That is the club had not been operating there as the Ramsay Club too long, and he wanted us to act early enough so that they would not get all the loop holes plugged in the event we could carry out a raid, and we would catch them by surprise at some point or another. To get in ---

Q. What did he say about Pete

Sacco checks"?

A. I just don't know what that means.

THE COMMISSIONER: Have you got another one of those (indicating)?

THE WITNESS: No, I have not, my lord.

MR. WILSON: Were there any other references in the conversation to the Ramsay Club, towards the end of your notes? What is this reference to the ---

"what happened call other night

"- just cut off"

What did he say about that?

A. He asked me about the call that had been - that is the interrupted one, where I was able to get the ---

THE COMMISSIONER: You told us about that.

THE WITNESS: Yes, sir.

MR. WILSON: But what did he ask you about it on this occasion?

THE WITNESS: He asked what happened to the call the other night, and I just said it got cut off, and he said, "Did you say who was calling", and I said I realized it was long distance, and when he said "was it a Crescent number" - and he

told me the number, and I said, "Yes", and then he goes back -- going back up there it says that he mentioned the Windsor Club and the Fort Erie, and asked if we were doing anything on them, and he said that if we had not been, that we would be told on doing this in two or three days and would be helping with them.

THE COMMISSIONER: You would be what?

THE WITNESS: Yes, we would be investigating if we had not already been told that we would be investigating in two or three days time.

MR. WILSON: Which club are you talking about?

THE WITNESS: The Windsor and Fort Erie.

MR. WILSON: The Windsor and Fort Erie?

A. Yes.

Q. Fort Erie was one he said that he was interested in?

A. Yes, sir.

Q. And that he was telling you that you would be called upon to do something about that, in view of this?

A. I have it recorded that the Windsor Club and the Fort Erie Club will be doing, if they have not been doing, will

be in two to three days.

Q. Did you in fact make a raid there shortly at the Frontier, at that time?

A. I never carried out a raid at the Frontier Club. Other officers may have, but I never.

Q. Now what after May 27th, what was your next contact with Feeley?

A. July 28th. On July 28th I had a call from Feeley.

Q. Well now you say the next one was what date?

THE COMMISSIONER: He said on July 28th.

MR. WILSON: I suggest to you ---

THE WITNESS: I may have had one before then.

Q. I suggest to you that you had a call from Feeley on June 5th.

A. Yes, I did have a call from him on June 5th.

Q. Yes. Tell us about that call.

A. Well ---

THE COMMISSIONER: Now, is this in your police diary?

THE WITNESS: Just one moment, sir.

MR. WILSON: I think we will find this in the special diary. It may be

helpful if we got these diaries marked by number. At the moment, Mr. Commissioner, I think ---

THE WITNESS: No, this is in the preparation I made by dates. If you refer to it as a supplementary diary -- it is a special diary.

MR. WILSON: Now, what is your entry in your special diary for June 5th, 1958.

A. "Call from V. Feeley from a "pay phone ---"

The reason I say it is a pay phone is because there was an interruption by a female person, on the line, and she said, "You are -- your three minutes up signal is through", and this call ended at 10.30 p.m.

"'Gimpy' leaves key at corner "at front. Obtain glass rods as "sticks. Money in Inazzellis "safe at motel over trucks. Self "asked about Pete Bennett. Said "he has record. Mentioned return "of Ramsay Club. "here is Miners "Club Charter ...."

And I have got 'no know', that should be 'not know'.

"not know. Advised of complaints "and said not know of same. Not

"from them. All I mentioned
"was fact complaints received,
"not know from who." Stir a
"hornets nest, not the best
"results.
" Bert Nero had receipt for
"membership dues and membership
"card for Ramsay Club - signed
"Mike Paulo, on person this
"date.
" Feeley mentioned name of
"place glass rods bought, same
"not recorded".

MR. WILSON: Now, as that is the first reference you have made in your special diary, just tell us why that would not appear in your regular police diary?

THE WITNESS: Well again, we come to my suspicions, and I was of the opinion that I would get an extra diary and write in, where, instead of saying just 'a Feeley call' or something like that, from this point on I would spell this out in greater detail, the nature of the call, and this I did.

Q. Well, when we look in part at your regular diary for 1958, you recorded calls of May 20th of an hour, and May 21st, of one hour and a half, and May 22nd - and

all calls from Feeley?

A. Yes.

Q. Now, your police diary, I take it, would be available to your superiors if they wanted to examine it?

A. Yes it was sir, at all times.

Q. And what would be the distinction between a reference to a rather unusual call from a gambler of an hour, or calls of an hour and a half, appearing in your regular diary, and a call on June 5th, which appears in the special diary?

MR. MACKINNON: June 3rd.

THE WITNESS: You say what would be the difference?

Q. Yes, why would you put it in a special diary?

A. Well from there on I was not going to spell out anything in detail in my own diary - in my regular police diary.

THE COMMISSIONER: Why?

THE WITNESS: As I say, because I was satisfied myself that something was not right, and from what source it was not right I did not know, and I felt at this time that I was choosing the course that I could perhaps protect myself, and yet keep some sort of record of those things that may be important, or may not be important,

at some later date.

THE COMMISSIONER: Didn't you keep your own diary?

A. Yes.

THE COMMISSIONER: Well no one would see what you had entered.

A. Well of course, my diary is subject to call at all times, and they are left in the desks at the office, at the headquarters, and what not, and they would not be hard - they would not be a hard thing to get at, if somebody had thought that they had wanted it.

THE COMMISSIONER: Well, just a moment.

MR. BREWIN: I wonder if I can intervene to say - I think it is in fairness to the witness, that this should be put to him in the light of the entry of June 3rd, and not just the entry of June 5th.

MR. WILSON: Well, you will have your opportunity to cross-examine.

MR. BREWIN: The entry of June 3rd refers to a matter he might feel initiated this special diary, and it is quite unfair to examine the witness ---

THE COMMISSIONER: Let me see your diary.

THE WITNESS: Yes.

MR. WILSON: I think it will assist you, Mr. Commissioner, if you will look at exhibit sixteen.

THE COMMISSIONER: Yes, I have exhibit sixteen, which apparently is a copy of the entries in the diary.

MR. WILSON: That is right, both the regular and the special diary.

THE COMMISSIONER: Yes.

MR. WILSON: Now, you have been talking about an entry of June 5th, 1958, in your special diary. I won't find any reference to that phone call in your regular diary, will I?

A. I don't believe so.

Q. Why was it not referred to in your regular diary, even in an abbreviated form?

A. I don't know. It could be that I chose to exclude from there on.

Q. No you didn't.

A. Didn't I? I was just going to check to see if I had.

Q. Just look a little further on, on June 24th, of your regular diary, and you will see you have recorded:

"Freshy call this P.M."

A. If that is the case, then it is probably the fact that I hadn't

MR. GLUCK: I hope it will insist you, Mr. Commissioner, if you will look at exhibit sixteen.

THE COMMISSIONER: Yes, I have usually listened quite attentively to every of the entries in the diary.

MR. GLUCK: That is right, then the prosecutor and the defence diary.

THE COMMISSIONER: Yes.

MR. GLUCK: Now, you have some entry of June 9th, 1954, in your annual diary. I won't find any reference to that phone call in your regular diary, will it?

A. I don't believe so.

Q. Why was it not referred to in your regular diary, even in an abbreviated form?

A. I don't know. It could be that I chose to exclude less juicy on.

Q. Do you claim?

M. Don't it? I was just quite co-ious to see it I had.

Q. Just look a little further on, on June 9th, of your regular diary, and you will see you have recorded:

EVELYN WHITE PLA.

A. If that is the case, then it is probably the last time I hadn't

inked it in.

Q. Well now, where do you keep this special diary?

A. At home.

Q. At home?

A. Yes, sir.

Q. Did you ever have it at headquarters?

A. No, I don't believe I did.

Q. And ---

A. No, I don't believe I did.

Q. And when did you make the entries in it?

A. Right after. If there were calls, right after the calls were made.

Q. Now, coming back to the entry of June 5th, 1958, in your special diary, will you just tell us the substance of your conversation, which gave rise to those notes?

A. Yes.

THE COMMISSIONER: Yes, what? What date?

MR. WILSON: June 5th, in the special diary.

THE WITNESS: " 'Gimpy' leaves "key at corner at front."

Now, that is the front corner of the Ramsay Club, on the ground floor, where the

entrance is.

"Obtain glass rods as sticks."

He suggested we should pick up any glass rods that were there, because they are what was used as croupier sticks. There would be:--

"Money in Inazzellis safe at motel "over tracks".

They are the owners of a motel directly opposite this club, across the tracks.

"Self asked about Pete Bennett."

He is ---

THE COMMISSIONER: Who is 'self'?

THE WITNESS: I.

THE COMMISSIONER: Yes?

THE WITNESS: Yes.

MR. WILSON: Who is Pete Bennett?

THE WITNESS: Pete Bennett is a man who at one time was the steward of the Ramsay Club when it was at Fort Erie, under different management than it was here, at Niagara Falls; and I had seen a fellow in Toronto at about this time, who I thought was Pete Bennett, and I was going to try to find out something about him here; and, he said he had a record.

"Mentioned return of Ramsay Club"

I would only conclude that that is because of the Ramsay Club being out of existence

Anthony Le.

"Gonzalo Alvarez made an attempt."

He squirted at Gonzalo from an eye dropper made from Sherry Dawson. They are also was using an ordinary eyedrop. There we.lil

Dr:--

"Money in Innerellis purse at actual

"Dear Gonzalo".

They are the owners of a model directly

specific this case, answer the trends.

"Dear Anthony about Pete Bennett."

Q In ---

Mr. Anthony: Who is Dwight?

Mr. Gonzalo: L.

Mr. Anthony: The

Mr. Anthony: Ha.

Mr. Gonzalo: Who is Pete Bennett?

Mr. Anthony: Pete Bennett is a man who at one time was the owner of the Country Club and is now in San Ai Tuan Jiro, some different management than it was here, at Cheyenne Falls; and I had seen a fellow in Alvarez at about this time, who I thought was Pete Bennett, and I was going to try to find out something about his motor; and, he said he had a record.

Continued return of Gonzalo "Lar" Gonzalez Jr. seeing very soon it became of the namely very long, was of existence

for a while, and in existence at Port Erie, and now it is reactivated again, and I said,

"Where is Miners Club Charter"

and it says:

"no know."

But "not know" is what it should be.

MR. WILSON: What is the Miners Club?

A. I believe that was a Hamilton Club Charter, that operated on John Street, in Hamilton.

THE COMMISSIONER: Go on.

THE WITNESS: "Advised of "complaints and said not know "of same".

I told him that we were getting -- he had been urging me to take action here, and I advised him that we were getting a lot of complaints about this club over there, and he said that he did not know of any of them.

Q. He did not know anything about the complaints?

A. No, he did not know, not from them.

Q. He was complaining, but he did not know about any other complaints?

A. He said that they were not from them at any rate.

for a while, and in existence as Port Erie, and now it is receiving upper, and I said, "Where is Albert this morning?"

and it says:

"He comes."

But "just know" is what it should be.

Q. Mr. [illegible] Have in the Lumber Claim?

A. I believe some [illegible] [illegible], [illegible] in [illegible].

MR. [illegible]: Go on.

THE WITNESS: [illegible]

"[illegible] and not know

"Or [illegible]".

I told him that we were [illegible] -- he had [illegible] BY MR. [illegible], and I advised him that we were getting a lot of communications about [illegible] over there, and he said that he did not know of any of them.

Q. He did not know anything about [illegible]?

A. No, he did not know, nor from [illegible].

Q. Or any complaints, but he did not know about any other complaints?

A. He said some [illegible] were not from [illegible] at any rate.

Q. He said that they were not from them?

A. Yes.

Q. Yes?

A. And then I had mentioned to him the fact that the complaints had been received --

"All I mentioned was fact complaints "received, not know from who."

and it was here I told him, and that is because that -- what I said before -- if you are getting a lot of complaints, that this is not the time to act at all:-

"Stir a hornets nest, not the "best results."

And this is what I told him, that if you are going to stir the thing up, you cannot expect any action at all to it. And the balance of that, where I say:

"Bert Nero had receipt for member- "ship dues and membership card for "Ramsay Club - signed Mike Paulo, "on person this date."

We did execute a warrant at the residente of this gentleman in the Stanford Township, and he had a Ramsay Club membership card to indicate to this club on his person, and he mentioned the name of the place where the glass rods were bought, but I have

forgotten where.

MR. WILSON: Was that the 'Ace'?

THE WITNESS: I am thinking it is 'Acme'.

MR. WILSON: 'Ace Neon Signs'?

THE WITNESS: I didn't get that.

Q. Now, what was the next contact you had with Feeley?

A. I show one on June 24th, in my special diary. I would have to check that up.

Q. The one of June 24th you show in both your regular diary and your special diary, and your regular diary, the entry is: "Feeley calls this P.M."

A. Yes, "Feeley call this P.M."

Q. Yes. And what is contained in your special diary on that date?

A. "Call from V. Feeley between "10.00 P.M. and 10.15 P.M. Not "much said. Mentioned Ramsay "Club was closed for a time but "was open again."

Shall I go on?

MR. WILSON: Yes, if you would.

THE WITNESS: ".... but was open "again. Said Cec. ---"

MR. WILSON: "Said Cec." what was said?

[illegible]

Q. [illegible] was that [illegible] "Joe"?

A. [illegible] I am thinking, it is "Joe".

Q. [illegible] "Joe"?

A. I didn't get that.

Q. Now, what was your [illegible] you had with Dailey?

A. I went out on [illegible], in my [illegible] story. I would have to check [illegible].

Q. The one [illegible] show in back your regular story and your special story, and your regular story. The entry is: "Dailey called this p.m."

A. [illegible] "Dailey call was p.m."

Q. [illegible] "Was this in accordance in your special story on this date?"

A. "Call from V. Dailey between "10.00 p.m. and 10.15 p.m." Not [illegible] call. [illegible]

"Line was closed for a time but [illegible] was open again."

Shall I go on?

Q. Without [illegible], if you please.

THE WITNESS: "... [illegible] was open [illegible] said [illegible]

Q. [illegible] "said Joe," [illegible] was away

THE WITNESS: "Said Cec. Pay "may have said something to them. "Mentioned getting the new fellow "over there. 'The fellow from "out the line', Italian. Looks "like a good man. Anything new? "Anything can do? I said might "find him out. He said didn't "think so etc. Call recorded."

THE REPORTER: I am sorry, I cannot hear you.

THE WITNESS: "He said didn't "think so etc. Call recorded."

MR. WILSON: Now, you have the recording here - or at least the transcript of the recording. This document is dated June 25th, 1958, a transcript of the recording made of your conversation with Feeley on that date?

THE COMMISSIONER: During what date?

MR. WILSON: On June 25th, but it is a recording of the conversation xx with Feeley on June 24th?

THE WITNESS: Yes, sir.

MR. WILSON: And that is signed by yourself and by Sergeant Anderson?

THE WITNESS: Yes, sir.

THE COMMISSIONER: Exhibit 114.

--- EXHIBIT NO. 114:

Transcript of recording between Vincent E. Feeley and Corporal W. J. Shrubb on June 24th, 1958.

MR. WILSON: Now, this transcript of a recording, that is exhibit number 114, reads:

"Corporal W. J. SHRUBB Hello?

"Vincent E. FEELEY Mr. Shrubb?

"Shrubb: Yes.

"Feeley: How are you this evening?

"Shrubb: Not so bad at all.

"Feeley: Are they keeping you

"busy?

"Shrubb: Oh, most of the time -

"most of the time.

"Feeley: I see that place is back

"open again there - it was closed

"for a little while - I guess you

"knew that?

"Shrubb: Which place? In the

"Falls?

"Feeley: Yes. Doing a.....Back

"in action, going very strong.

"Same people there again.

"Shrubb: I guess they made their

"bundle and went for a holiday for

[illegible]

[illegible]

[illegible]

Transcript of proceedings between [illegible] in Trial [illegible] [illegible] 1924.

[illegible]

of a recording, then in another manner 1124.

[illegible]:

"[illegible]

"[illegible]

[illegible] Yes.

"Answer: [illegible] are you [illegible]

"[illegible] [illegible] ALL.

"Answer: [illegible]

"[illegible]

"Answer: Oh, each of the times - [illegible] of [illegible].

"Question: I am that place in [illegible] [illegible] [illegible] - it was [illegible] [illegible] a little while - I guess you [illegible]

"[illegible]

"[illegible]

"[illegible]

"Question: [illegible] [illegible].....[illegible]

"[illegible], [illegible]

"[illegible]

"Answer: I guess [illegible] [illegible]

"[illegible] and [illegible] for a [illegible] for

"a day or two, eh?

"Feeley: I would think that Cec.

"Pay might have told them to close

"up for a while or something.

"Shrubb: Yeah?

"Feeley: So....I didn't know if

"there was anything you needed

"or whether you were interested or

"not. I just thought I would

"call you and let you know that

"much.

"Shrubb: Yeah."

(Outburst of laughter)

"Feeley: You should take that good

"man - not that I am trying to get

"rid of him - but I think he would

"be ideal for that particular job.

"Shrubb: Which good man is that?

"Feeley: The one you have got out

"the line there - the Italian

"fellow.

"Shrubb: Yes?

"Feeley: And put him over there he

"seems to be a good smart fellow.

"Shrubb: You think he would be a

"good man for the job, do you?

"Feeley: I would think so.

"Shrubb: What makes you think a

"thing like that?

"Is that an order, sir?"

"Bailey: I would rather that you
"say where there was some to close
"up for a music or something."

"Carter: Yes!

"Bailey: Should there be any
"one who disapproved the wedding
"or whether you were interested or
"not. I just thought I would
"tell you and let you know that
"there.

"Carter: Yes.?

(Laughter of laughter)

"Bailey: You should have seen good
"man - not that I am trying to give
"me of him - but I think he would
"be least for that particular job.

"Carter: Which good man is that?

"Bailey: The one you saw just one
"time time there - the italian

"Carter: Yes!

"Bailey: He not run over there to
"seem to be a good sort fellow.

"Carter: You think he would be a
"good man for his job, do you?

"Bailey: I would think so.

"Carter: What makes you think a
"young time that?

"Feeley: Well, he is Italian
"isn't he?
"Shrubb: I don't know - you've
"seen more of him than I have.
"I guess.
"Feeley: Yes, we've seen quite a
"bit of him.
"Shrubb: Yeah?"
(Outburst of laughter)
"Feeley: He appears to be a pretty
"good smart guy - told me he was
"Italian-Sicilian or something -
"that's all I know.
"Shrubb: Yeah.
"Feeley: I wouldn't think he
"would have too much trouble over
"there. They wouldn't know him.
"Shrubb: Yeah? Somebody might
"be good enough to tell him.
"Feeley: Hmmm."
(Outburst of laughter)
"Shrubb: Somebody might be good
"enough to tell him.
"Feeley: I wouldn't think so.
"Shrubb: No? These things
"happen once in a while.
"Feeley: Oh, it appears that way.
"Shrubb: Yeah."
(Outburst of laughter)

"Feeley: No - I didn't know if
"there is anything I could do for
"you. er.....along that line.
"I just thought I'd give you a
"shout and let you know what was
"going on there.
"Shbubb: Yeah?"
(Outburst of laughter)
MR. WILSON: I can hardly read
this:--
"Feeley: So....how are you keeping?
"Shrubb: You've got to keep ....
"you've got to keep."
(Outburst of laughter)
"Feeley: That's the idea. Well,
"I guess that's about all I know
"then.
"Shrubb: Yeah. No new events
"over there, eh?
"Feeley: No nothing....in what
"respect?
"Shrubb: Well I just thought maybe
"you might have heard a rumble one
"way or another - something other
"than they'd been closed down.
"Feeley: Oh? That's all I know....
"going strong.
(Outburst of laughter)

"Shrubb: Yeah? Still on the same "Charter, eh?

"Feeley: Uhuh - no, is there any- "thing that I can do for you?

"Shrubb: No, not that I know of "I guess - not at this time.

"Feeley: Well...

"Shrubb: Keep plugging away I guess."

(Outburst of laughter)

"Feeley: That's all we can do.

"Shrubb: Yeah.

"Feeley: O.K. then I will be in "touch with you.

"Shrubb: Yeah, O.K. Vince.

"Feeley: Right.

"Shrubb: Right, 'bye now.

"Feeley: 'Bye."

(Outburst of laughter)

MR. MacKINNON: I think this would be a good place to adjourn.

MR. WILSON: Before we adjourn we might mark that. We have time just to mark those exhibits, if you want to.

THE COMMISSIONER: Yes?

MR. WILSON: May be, if you will give me the list, I would like to mark fifty-four, and fifty-five -- no, I am sorry, fifty-five -- I am afraid ---

THE COMMISSIONER: We will get

it after lunch.

MR. WILSON: The information handed to me is confusing.

THE COMMISSIONER: Very well, we will adjourn for lunch.

--- Whereupon the hearing adjourned at 1.00 o'clock p.m., until 2.15 p.m.

(Page 3035 follows)

---On resuming at 2:30 p.m.

CORPORAL W.J.SHRUBB, resumed the witness stand.

MR. WILSON: The 1955,'56, and '57 diaries have not been entered as exhibits, nor has the 1958 special, so I think we should assign a number to them.

THE COMMISSIONER: Starting with 19 - - what?

MR. WILSON: Starting with 1955.

THE COMMISSIONER: That will be 114.

THE SECRETARY: 115, sir.

THE COMMISSIONER: Oh, yes, I am sorry. Just a moment, please.

Then, 115 will be the Shrubb diary for 1955; 116, the Shrubb diary for 1956, and 117, the Shrubb diary for '57, and 118, Shrubb special diary.

---EXHIBIT NO. 115: Shrubb diary for 1955.

---EXHIBIT NO.116: Shrubb diary for 1956.

---EXHIBIT NO.117: Shrubb diary for 1957.

---EXHIBIT NO. 118: Shrubb special diary.

MR. WILSON: Q. Now, the last - - -

THE COMMISSIONER: Just a moment,

Mr. Wilson.

MR. WILSON: Yes, I didn't notice you writing.

THE COMMISSIONER: All right, thank you.

MR. WILSON: Q. Now, the last contact you had with Feeley, you referred to was June 24th, 1958; what was the next contact?

A. I have a notation of July 28th, a Feeley call - - if I may have the diary?

Q That, you have referred to just as "Feeley called" in the regular diary.

THE COMMISSIONER: Well, give him his '58 diary.

MR. WILSON: He better have both that and Exhibit 18, as well.

THE COMMISSIONER: 18 is the 1958.

MR. WILSON: Q. It is the '58 regular?

A. Yes, my regular diary for July 28th, says: "Feeley call", and in my extra diary for July 28th there is a whole page written, and it reads as follows:

"Between 9:00 p.m. and 9:45 p.m.

"call from Feeley. . . . . " - - -

THE COMMISSIONER: Let me see it, please.

All right.

MR. WILSON: Q. Would you just go on with your notation for that date?

Mr. Wilson.

Mr. Wilson: Yes, I might mention the activity.

THE COMMISSIONER: All right, Miss Jones.

Mr. Wilson: Q. Now, you just mentioned you had extra energy, you returned to your home about 1:00? When was the next occurrence?

A. I have a recollection of Judy Blue, a Jewelry call -- If I may have the clerk?

Q. Yes, you have referred to just as "Jewelry calling" in the regular clerk.

THE COMMISSIONER: Well, give him the "Jewelry".

Mr. Wilson: We believe have both that and Exhibit 16, as well.

THE COMMISSIONER: 16 is the light.

Mr. Wilson: Q. It is the "Jewelry"

A. Yes, my regular clerk for Judy Blue, says: "Jewelry call", and in my entry after the Judy Blue items is a blank page written, and it reads as follows:

"Someone pick-up, and call 5.m.

"Call from Jewelry. . . . . " - - -

THE COMMISSIONER: Did we read it.

(Pause)

All right.

Mr. Wilson: Q. Would you just go on with your recollection for that clerk?

A. ". . . Rake and Money at "Hill Top Cabins. Should have got "club early. Too much interference "and criticised him for same. "Anderson's call re photos Napp's "girl friend let out info. as to "identity. His car joint "ownership with him. Can you make "arrangements to meet a man to "take man in - evaded. Spoke of "previous mentioned means of "getting evidence. Fort Erie "closed, never open again. "Lawyer complained re N.F.Club denied "said find out hangout for N.F.O. "patrons. Peterborough - Horton "Harrington, Horton out of business. "Cole at club, Oshawa Club. Zap. MacDermaid saying working with "Squad - to Guelph etc. Oshawa "called Guelph and told to watch "him. Vacare no money, fighting with "them in N.F.O. 100 there Sunday. "Operators not sharp. Nap. do in few "days. Repeated above. Will call again. O.K. Vince."

Q. Now, will you just tell us what these abbreviated notes are based on and what the substance of your notes is?

A. Yes, "rake and money at Hill Top cabins" is a reference to the fact that the rake off the game and the money would be found - - could be found at the Hill Top cabins, which is the Inzzellis Motel, that was previously referred to. He stated that we "Should have got club early.", that is, we should have been more aggressive in our efforts to cause a raid to be made there, and it should have been done earlier than it was instead of letting it go too long.

Q. Well, now,it says: "too much interference and criticised him for same." What is that based on?

A. I told him that there was too much interference, and criticised him for same. That is as I have explained before, too many people hollering about the same thing, and this not being a good time to make any investigation if the thing is up in the air and if the thing is slow, and - - -

AA/2

Q. In other words, there was actually too much propaganda being passed around?

A. There were too many people complaining about this, and it was too much of a controversial thing.

Q. What is "Anderson's call re photos - Mapp's girl friend let out infro. as to identity" based on?

A. Yes, "rules and money or

this the problem" is a reference to the rules that

the rules of the game and the money would be

found - - could be found at the Hill Top centre,

which is the Democratic Party, that the

unwieldly reference to - - to extend that to

"should have got rules early.", that is, we

would have been more aggressive in our efforts

to cause a rule to be made there, and it

would have been done earlier than it was instead

of letting it go too long.

Q. Well, you'll agree, "the most

interference and curtailed the rules."

What is that based on?

A. I think that there was too

much interference, and affected the rules,

that is as I more explained before, too many

people building about the same thing, and this

was going a good step to make my investigation

of the Hill Top in the direction of the ruling

is done, and - - -

Q. In other words, there was

actually too much propaganda being passed around?

A. There were too many people

complaining about this, and it was too much of

a controversial thing.

Q. Now is "Dalkeith's call to

order - Mayor's part taken let out Antrim on

to identify" based on?

A. I made a reference to a call Anderson had made as told to me by Anderson, and there was some mention in that call of photos that had been taken of Constable Napolitano, when he was selling real estate, in the field of real estate sales. This has been referred to whereby he took certain individuals to show them property which was for sale and, in the course of showing this, and at a time when he was in view or in reach of the camera, that photograph had been taken, or views of the residences had been taken. "Napp's girl friend let out info.(information) as to identity. His car joint ownership with him.", and, it is my recollection of this that the car which Napolitano drove or had been seen to drive as his property, a check had been made on the license number and it was supposed to have been registered jointly - - he and this girl were going together - - and it had been registered jointly along with then girl friend, I believe, now wife.

Q. How did this girl friend let out information?

A. I believe this, if my memory serves me, was through the registration of the car - some manner in which it was registered.

Q. How would that tie Napp up

with the O.P.P.?

A. Other than that it would disclose his proper name, perhaps, it would be customary for him to work as an undercover man, to work as an alias. And, as I recall it, this - - he may have been driving his own car, and then when the registration check was then made, it would show a joint ownership between his girl friend and his proper name.

THE COMMISSIONER: And, was this when he was still a member of the Force?

A. He was still an undercover agent; it was never released that he was employed by the Force.

Q. The public would not know that,of course?

A. Yes.

Q. I do not yet see how this girl friend could disclose the information?

A. Well, the car - - the car was registered in both of their names, and where his name was - - it was registered in the name of Napolitano.

Q. I see; he was going under another name?

A. He was going under an assumed name.

MR. WILSON: Q. Would Anderson know there was a Napolitano on the Force?

A. He apologized to Napolitano for having taken his picture, at any rate, and what name he used at that time, I don't know. This wasn't an uncommon thing for us to have our undercover agents - - -

Q. What I don't quite fully understand is how the joint ownership was with Napolitano and some girl, how it would lead him to the conclusion that this man was a member of the Force?

THE COMMISSIONER: It would lead him to understand that this undercover man was a member of the Force through the check of the licence number and we know that much.

A. It may cause him to investigate Napolitano with reference to other police duties.

MR. WILSON: Q. Yes, can you just go on.

A. " Can you make arrangements to meet a man to take men in." Now, he was advancing to me all these proposals as to how we should act promptly, and it was an obsession with him, and I asked him about it, he wanted to take a man in with us, and he didn't want to talk about that at all. "Spoke of previous mentioned means of getting evidence". I would say that has been related many times; that would be the method of getting in and getting the equipment as it was

put down the drain. And, "Fort Erie closed, never opened again. Lawyer complained re N.F.Club - denied said find out hangout for N.F.O. patrons." I told him that it was our information that a lawyer had complained about this club operating, and he denied he had received any complaints.

Q. Which club are you talking about?

A. The Ramsay Club.

THE COMMISSIONER: Q. That a lawyer had complained to whom?

A. To the Attorney-General's Office. "Denied said find out hangout for N.F.O. patrons."

(Page 3047 follows)

Answer continued.

And in this I am asking him to try and find out where the persons who went to the Niagara Falls club frequently loitered and hung around, and find a way in through them.

"Peterborough - Horton, Harrington.

"Horton out of business."

I don't know actually was said there other than where it says,

"Horton out of business",

it was my understanding that Horton had discontinued any operation in this thing.

Q. Well, Horton was at the Tisdale Club, previously.

A. I had been told he was, but he wasn't pursuing this any longer.

"Cole at club."...

Q. What is that?

A. I believe that refers to Cole from Oshawa. His first name, it may be Frederick Cole; he has the nickname of "Peanuts" Cole and he is kind of associated with Oshawa.

Q. What was it he told you about Cole being at the club?

A. Just maybe -- just conversation, just ambling along, I presume.

Q. And, what was the reference to "Zap."?

A. A man by the name of Mike Zap

was convicted in connection with the Stone Health Club in Oshawa. I forget when he was convicted, but I believe an investigation was made therein in July 1958, and the club was prosecuted and subsequently convicted.

"MacDermaid saying worked with squad." He made reference to the fact that a MacDermaid had spread the information around that he was working with the Anti-gambling Squad.

Q. The MacDermaid, that has reference to is "M-a-c-D-e-r-m-a-i-d, the way you have got it spelled?

A. Yes. That is not to be

AA/4/ RC confused with McDermott; this is MacDermaid.

THE COMMISSIONER: What did Peeley say about it?

A. Peeley?

"MacDermaid saying working with Squad -

"to Guelph etc. - Oshawa called Guelph

"and told to watch him."

That is the part that relates to MacDermaid. What he said was this, that MacDermaid had been talking perhaps too freely, that he was working with the Anti-gambling squad.

MR. WILSON: Was there anyone by the name of MacDermaid who was working with the Anti-gambling Squad?

A. Yes sir.

Q. Undercover?

A. He was working with us. He

was overlooked in connection with the Stamp Duties which is unknown. I regret that he was overlooked, but I believe an investigation was made somewhere in July 1947, and the old was pronounced not economically viable.

"Phenomenal reality matched wit in around." In such vernacular to the fact that a Macdonald had mentioned the information received that he was working with the Air-quality Board.

Q. Did Macdonald, that has mentioned in his "e-g-D-e-r-m-a-d", the one you have got in [illegible].

A. Yes. That is not in [illegible] [illegible] Macdonald. Was it Macdonald, the Air Pollution [illegible]?

Q. [illegible]

"Macdonald having looked at the Air Quality - "In Dorian ect. - Common ailing Dorian [illegible] "had still to watch this."

Was it the point that reminds to Macdonald, that he said one [illegible] that Macdonald had been [illegible] pollution commission [illegible], that he was working on the Air-quality [illegible]

Mr. [illegible] was [illegible] by the name of Macdonald who was working with the Air-monitoring Board?

A. [illegible]

Q. Macdonald?

A. [illegible]

was not a member of the Police Department, but he did give us assistance.

Q. Yes?

A. And, this man at one time made application to become a member of the Force, and Feeley was able to, at one time or another, practically to tell me this was a fact -- he knew he had made this application. And, he said, -- he made reference to the fact that he had been in the Guelph area, and I say,

"To Guelph, etc. - Oshawa called

"Guelph and told to watch him."

whether this works in reverse or not, I don't know; it was either someone in Guelph who had called Oshawa or someone in Oshawa who had called Guelph and told them to watch MacDermaid or vice versa, I don't know.. And, there was a time that MacDermaid was allowed a right of entry to this club, but this right was denied, and they had to be very careful about letting him in, so they could check a little further. And then, "Vacare no money" and he was previously mentioned in Niagara Falls. As I recall, Feeley told him he had no money and he was financially embarrassed and he was

"fighting with them in N.F.C. -"

fighting with the other member of the club.

~~fighting with~~

He said that

"100 there Sunday".

100 members of the club.

was not a member of the Pilots Association, yet he did fly on Sundays.

Q. Yes?

A. And, then was he one also with Hyde-Parker Air Service a subsidiary of the Pilots and Fraser was also co, as one also or somewhere, probably-- in 1921 he was a Pilot-- he also was he had been this qualification. And, he said, -- he made reference to the fact that he had been in the Austrian army, and I say,

"Oh- Cowley, too. - Cowsee called Cowley and told to watch him."

however they weren't in reference or not. I don't know. It was either somewhere in Quebec she had called Cowsee or somewhere in Toronto who had called Cowley and told them to watch Bucknowski or vice versa, I don't know.. And, there was a time that Bucknowski was allowed a right to fly to this club, but this right was denied, and they had to be very careful about letting him in, so they could check a little further. And then, "Cowsee no money" and he was previously mentioned in Kingsmere Delta. As I recall, Fraser could then be had no money and he was financially embarrassed and he was

"Working with them in N.F.C. -" fighting with the other member of the club.

He said then:

"Let them handle".

[illegible]

"Operators not sharp"

and,

"Nap do in a few days."

and he said what he could do in a few days if given the chance, and he repeated much of what I have discussed here, and he said he would call me again.

Q. Is that all for that day?

A. Yes, sir.

Q. Now, what was the next contact you had?

A. The next day, July 29, and there ---

THE COMMISSIONER: Let me see that.

MR. WILSON:

Q. Well, now, before we get to the ---

A. I might say, in connection with the MacDermaid matter, I submitted a detailed memorandum in connection with that, to the office of my superior.

Q. Yes. The next one you say is July 29th?

A. Yes, sir.

Q. And, an entry under that date appears in your special diary only so far as the Feeley call is concerned?

A. Yes, that is what I started to say there.

Q. Was this one recorded?

"Question and Answer"

Cont.

"You do in a few days."

and he said what he would do in a few days if given the chance, and he mentioned much of what I have mentioned here, and he said he would do all he could.

Q. Is that all for that day?

A. Yes, sir.

Q. Did you get the paper mentioned yesterday?

A. The next day, July 23, and there ---

THE COURT REPORTER: Let me see them.

MR. WILSON:

Q. Well, now, before we get to the ---

A. I might say, in connection with the Macdonald matter, I submitted a detailed memorandum in connection with that, to the office of my supervisor.

Q. Yes. The next one you say is July 23?

A. Yes, sir.

Q. And, as entry under that date appears in your quarterly diary only so far as the Tawiny call is concerned?

A. Yes, that is where I mentioned it my diary.

Q. Was this one recorded?

A. It was, sir.

Q. Maybe you better read your note first, and then we will take a look at the recording.

A. Yes sir.

THE COMMISSIONER:

Q. Is that your special diary you are referring to?

A. No, I was just referring to my regular diary for the same things in there.

Q. Have you got your special diary there?

A. Yes, but I am looking over my regular diary.

MR. WILSON:

Q. I am right, am I not, there is no reference on July 29th to a call from Feeley?

A. No, that is right; I was just reading some matters with reference to the Ramsey Club there, and an investigation.

Q. Well, we will come to that.

A. Yes. July 29th in the extra diary:

"Call ending before 11:00 p.m.
"approximately 40 minutes from Feeley
"recorded re Ramsey Club Cee Pay
"Willoughby Township. When played
"back, voice very low and only parts
"heard. Recorded as same, on paper
"by Miss Mather.

A. In real life.

Q. Maybe you hadn't read your note first, and then we will take a look at the resolution.

A. Yes sir.

THE CHAIRMAN:

Q. Is that your general diary you are referring to?

A. No, I was just referring to my regular diary for the same dates in there.

Q. Have you got your general diary?

A. Yes, but I am looking over my regular diary.

MR. MINOR:

Q. I am right, am I not, there is no reference on July 26th to mail from Pooley?

A. No, that is right. I was just reading some matters with reference to the Young Club there, and an investigation.

Q. Well, we will come to that.

A. Yes. July 26th in the general diary:

"Will review Sidney p.m.

"Approximately 40 minutes from Pooley

"Presented to Young Club for Pa.

"Milwaukee Township. Some phone

"been, voted very low and only people

"heard. Recommend as name, on paper

"by Miss Mathner.

"Nap. go to Club say know Harry
"Altman - Town Casino - Gimpy and
"Duke let him in.
"Instead 50.00 for 5 nights - 200.00
"for 1 night - bet 5 & 10 not 2 & 2 -
"a give away.
"Charter change from Ft. Erie - on
"loan to Ft. Erie & rent too high.
"Buffalo guys at Ramsey Club - fellows
"who used to go to Ft. Erie. Augustino-
"from Appalachin meeting summoned
"before committee. Pull string down
"line - let our boys meet somebody and
"take in - no confidence in what I
"say - it will work.
"Have more luck than other places -
"more lax. Different than trying to
"get guy in our places. If fellows
"have man in N.F.O. trying to get Ft.
"Erie - stop - closed. Someone send
"fellows' picture - no-guys Ft. Erie to
"Willoughby Twp. Get out O.P.P. area.
"What makes sure no man in. N.F.O. to
"get Ft. Erie - poor recording."

Q. Is this a transcript of the recording or a recording of the conversation with Feeley of July 29, and signed by you? (Document handed to the Witness).

A. Yes, that is right,sir.

Q. And, dated July 31, 1958?

"Wop. Go to Club say know Harry
"Altman - Town Casino - Gimpy and
"Duke let him in.
"Instead $0.00 for 5 nights - $200.00
"for 1 night - bet 5 & 10 not 2 & 2 -
"a give away.
"Character change from Pt. Erie - on
"loan to Pt. Erie & rent too high.
"Buffalo guys at Ramsey Club - fellows
"who used to go to Pt. Erie. Augustino-
"from Appalachin meeting summoned
"before committee. Full strong down
"line - let our boys meet somebody and
"take in - no confidence in what I
"say - it will work.
"Have more luck than other places -
"more lax. Different than trying to
"get guy in our places. If fellows
"have man in N.Y.C. trying to get Pt.
"Erie - stop - closed. Someone send
"fellows' picture - no-guys Pt. Erie to
"Willoughby Twp. Get out O.P.P. area.
"What makes sure no man in. N.Y.C. to
"get Pt. Erie - poor recording."

Q. Is this a transcript of the recording or a recording of the conversation with Feeley of July 29, and signed by you? (Document handed to the Witness).

A. Yes, that is right, sir.

"PEELEY: Harry Altman.

"SHRUBB: A-L-T-M-A-N?

"PEELEY: A-L-T-M-A-N." ---

He spells it out.

THE COMMISSIONER: Yes, I understand.

MR. WILSON: I am being heckled here.

"SHRUBB: Yes.

"PEELEY: Harry Altman - a guy that

"owns the Town Casino.

"SHRUBB: Yes -

"PEELEY: Now the Town Casino closes

"in the summertime.

"SHRUBB: Yes.

"PEELEY: The Town Casino is in

"Williamsville just outside Buffalo.

"SHRUBB: Yes, yes I know where it is.

"PEELEY: And he got over there and

"went to the door.

"SHRUBB: Yes?

"PEELEY: And give Gimpy a big 'Hello

"and how are you' - Gimpy don't know

"one guy from another - Gimpy would

"possibly just push him through. But

"when he gets upstairs - Bukie - if he

"does run into any trouble - I would

"advise him to just say "Oh yeah -

"Harry Altman is a personal friend of

"mine. I have did a lot of business

"with Harry Altman - 'phone him up -

"you know - just go right through with

"the play - call Harry up - He owns the
"Town Casino - he knows me."
"SHRUBB: Well would that not be a dead
"give away if the place closes for the
"summer? Would they not know that?
"FEELEY: No, no ---------- then if he
"runs into any trouble tell him to call
"Dom Mantell. "Dom Mantell he knows me."
"Tell him to start talking Dago - you
"know 'Italian' - when Dom Mantell comes
"to the door he can tell him he knows
"Harry Altman and just go through with
"the play. "You call Harry up if you
"want to Dominic - get Harry on the
"'phone and I'll speak to him from here."
"If he has to, he can tell them he knows
"Dominic Augustino. Dominic Augustino
"is the Dago boss.
"SHRUBB: The boss - where?
"FEELEY: One of the higher ups over
"there."

Then there is a reference in brackets?

"(This call was made from a pay
"telephone and the operator interrupted
"to indicate that the first three
"minutes of the call had expired - to
"signal when through.)
"FEELEY: Tell him 'Yeah I met him up
"at Cleveland' for that matter. If
"Dominic Mantell comes to the door just

"say "Oh yeah I know Dominic Augustino."
"and just keep talking to him. He'll
"pass him right through. No doubt in
"my mind. If he mentions Altman's
"name - that he told him he could get
"in if he came over - To look at the
"guy he dont look like one of yous
"and if he starts talking to Dukie in
"Dago - they are all Dagos in there -
"SHRUBB: When you say Dukie who do
"you mean?
"FEELEY: Dukie - the kid that used
"to be Steward years ago down at
"Fort Erie.
"SHRUBB: Paulo?
"FEELEY: What's his name?
"SHRUBB: Mike Paulo.
"FEELEY: Mikey Paulo, yeah, yeah.
"And when he starts talking to him if
"he starts running intoa rough spot,
"start talking Italian. I think it
"would work - the worst they can do
"is refuse him. I don't think for a
"minute that would happen or I
"wouldn't be telling you this. Say
"to Gimpy "How are you doin -
"remember me?" and Gimpy is going to
"tell Dukie "He's all right Dukie, I
"know him" - Have a couple of cigars
"in his pocket and give him a couple

"of American cigars. Say 'How are
"you doin Gimp - God, I haven't seen
"you for a long time - boy, you're
"lookin good.'
"SHRUBB: Who is on the Street, do
"you know?
"FEELEY: Old Gimp.
"SHRUBB: Only one, eh? There's
"nobody outside?
"FEELEY: Now well ther might be,
"there might be another guy Gimpy's
"in the door and there might be
"another guy up and down the lane.
"I would get him to --- you know
"where the Drake Hotel is?
"SHRUBB: Yes.
"FEELEY: You know where they park
"the cars there? I would get him
"to fall behind some other guys and
"as they are going in, fall behind
"them. And Gimpy would say ' oh,
"yeah, yeah he's alright I've known
"him for years."

(Laughter)

"If they question him tell them to
"call Harry Altman at The Town
"Casino - they won't go to the
"trouble or bother of calling
"Altman up.
"SHRUBB: What about the places where

"they're hanging out?

"FEELEY: Well I never did - I

"thought you wanted something in a

"hurry!

"SHRUBB: Yes, but I thought by the

"same token you may have been able

"to find it out at the same time.

"FEELEY: If you are goin to give the

"guy a hundred dollars - say fifty

"dollars a night .....

"to play five nights in a row you

"are better to give the man two

"hundred dollars and it would look

"like something. He's better to have

"two hundred dollars there and bet

"five or ten dollars than if he gets

"in there the first night and bets

"a couple of dollars - well, it

"would look a little better. That's

"where them guys stand out like a

"sore thumb - they bet a couple of

"dollars. I would have to say that

"if a guy went over there tomorrow

"night it would be just like walking

"past a bunch of kids - they are a

"slip-shod outfit anyhow.

"SHRUBB: How old is Altman?

"FEELEY: About fifty.

"SHRUBB: Yes, and how would you

"describe him?

"FEELEY: Well I tell you Jack I
"don't think we need go into that.
"SHRUBB: In the event that they did
"why we would have to describe him.
"FEELEY: Tell them 'Listen, you don't
"have to worry about me' 'Get Harry
"on the phone and I'll talk to him'
"that's all there is to it. 'Just
"go ahead and get Harry there I'll
"speak toohim if you want.'
"SHRUBB: That thing goes pretty
"strong on Sundaystoo, eh? Sunday
"afternoon? How about Saturday
"nights - do they just go to mid-
"night or do they keep on going?
"I guess maybe they Falls boys have
"been raiding them pretty regularly
"eh?
"FEELEY: Who do you mean - Ceo.
"Fay?
"SHRUBB: Yes.
"FEELEY: Christ, if you are ever
"going to do anything down here
"don't tell Ceo. Fay the guy is a
"horse better and a gambler all his
"life - he bets the horses with these
"guys down there - he can't help it
"but he can't do nothing about it.
"But he's right in with....every
"time they get a knock ---- you just

"go down there and watch. About
"fifteen or twenty minutes before
"the locals gets down, everybody
"comes down - they do downstairs
"and thin out and they tell the
"boys the locals are going to be
"here in about fifteen minutes and
"they hang around the corner and
"go in the restaurant.
"SHRUBB: Were you ever in there
"when it happened?
"FEELEY: Was I in there?
"SHRUBB: Yes were you ever in there
"when it would have happened?
"FEELEY: What do you mean - when
"they got the 'off?
"SHRUBB: Yes.
"FEELEY: Well, they're tellin
"everybody on the street down there -
"it's common knowledge. It's
"common knowledge that the locals -
"like I tell you if you were down
"there you could see. They come
"down and fifteen minutes before
"they come everybody gets out of
"there - and then there will only
"be eight or ten in there and when
"they are gone, they all come like
"rats out of holes - and they are
"shootin back upstairs so that

"they can put the game back on
"again. You just sit there and
"watch it, it's comical.
"SHRUBB: I understand they had
"been in there quite a few times
"and I just wondered. That place
"there's been going for a good
"long time but never to the
"proportion it is going now.
"Apparently this is beyond what it
"was in the past. They are still
"on the Charter there eh? How did
"that get in there out of Fort
"Erie?...."

And, then, it states:'

"From this point on, Feeley's
"responses were inaudible."

THE COMMISSIONER:

Q. How were your recordings made?

A. By means of a small tape recorder which was applied to my telephone in my residence, sir.

(Page 3070 follows)

BR/AS/jp

This is a recording which I had obtained; that was with equipment, the property of the Ontario Provincial Police, and kept in the custody of the Criminal Investigation Branch; and I obtained it through that office, for this purpose.

Q. On that same day, in your regular diary, you have a reference to an attendance at Niagara Falls, to consult the Magistrate re possible complaints to this office; and with a senior member of the legal personnel of the Attorney-General's Department, re the Ramsey Club?

A. Yes, that is right.

Q. Tell us what you did on that occasion?

A. I am reading from my regular diary of July 29th, 1958, and I say:

"11.00 a.m. to 8.00 p.m. To Niagara
"Falls and Fort Erie. Contacted
"Chief Matthews and Magistrate Roberts.
"Learned Club closed but reported to
"be trying to locate in Willoughby
"Township near Caribou Motel. Property
"owned by Mr. Douglas. Price high.
"Consulted Magistrate re possible
"complaints at this office and with
"Mr. Silk re the Ramsey Club.
"Magistrate feels not made by Mayor.
"To Niagara Falls and contact Mayor
"Hawkins; shown contents of complaints

This is a recording upon I had overtaken; that was with equipment, the property of the Ontario Provincial Police, and kept in the custody of the Criminal Investigation Branch; and I obtained it through that office, for this purpose.

Q. On that same day, in your regular diary, you have a reference to an attendance at Niagara Falls, to consult the Magistrate re possible complaints to this office; and with a senior member of the Legal Personnel of the Attorney-General's Department, re the Sunny Court

A. Yes, that is right.

Q. Tell us what you did on that occasion?

A. I am reading from my regular diary of July 20th, 1955, and I say:

"11.00 a.m. to 8.00 p.m. To Niagara Falls and Port Cole. Contacted Chief Mathews and Magistrate Kennedy. Learned Club closed but reopened to be trying to locate an Attorney "Consulted Sam Davies Nuisance. Property owned by Mr. Douglas. Price high. "Consulted Magistrate re possible complaints at this office and with "Mr. Zilk re the Sunny Club. "Magistrate Feels not made by Mayor. "To Niagara Falls and contact Mayor Hawkins; shown copies of complaints

"and says made no calls. The Vacaro
"complaint maybe legitimate as he had
"some. Magistrate Roberts advises
"Iannayelli told Chief Cunningham he
"would go to Houcke if I were hired as
"Deputy Chief of Stamford Township."

Now, I went first to Niagara Falls, and then to Fort Erie as the result of a complaint which had been registered by Mr. Silk; as I understand it he had received the complaint in his office; whether it was in written form, or how I do not know. But he had received this complaint with respect to the Ramsey Club operating, and I believe had stated that the person calling was Mr. Hawkins, the Mayor of Niagara Falls. And I had in the past been conversant - I had conversed with Magistrate Roberts, with respect to this situation, he being - I have a great deal of confidence in him, and feel now and I have talked to him at different times in connection with these matters, and I think he is a member of the Police Commission, and I have always accepted him as being a man desirous of getting these things controlled. And I went to see, to see if he had any knowledge of Mr. Hawkins having called in to him, to Mr. Silk, to register this complaint; and that is why I went to Niagara Falls, and

"and they mean no harm. The Tamer
"Republic means Independence in its
"sense. Regulator Roberts advises
"Indianapolis Chief Constables to
"would go to Moores if I were hired as
"Deputy Chief of Standard Thousands."
Yes, I did leave to Regent Falls,
and then to Port Erie as the result of a
Congressman Moore had been registered by
Mr. Mills; as I understand it he had received
the complaint in his office; whether it was
in written form, or how I do not know. But
he had received this complaint with respect
to the Hanover Club operation, and I believe
he stated that he personally knew the
Mr. Hanover, and later at Regent Falls.
And I had in the past been conversant - I
had conversed with Registrar Roberts, with
respect to this situation, he being - I have
a great deal of confidence in him, and that
now and I have talked to him at different
times in connection with these matters, and
I think he is a member of the Police Commission,
and I have always accepted him as being a
man desirous of putting these things overboard.
And I went to see, to see if he had any
knowledge of Mr. Hanover having called in
to him, to Mr. Mills, to regulator this complaint;
and that is why I went to Regent Falls, and

then to Fort Erie, to contact Chief Matthews and Magistrate Roberts, to learn the Club closed. This is now the Club in Bertie Township which was on Thompson Road, beside the race track; where it was closed.

"Learned Club closed but reported to "be trying to locate in Willoughby "Township near Caribou Motel."

This was taking it out of the Bertie Township Police Jurisdiction, and putting it under the Provincial Police.

Q. Did they ever relocate?

A. Not to my knowledge. This is information that I gathered.

Q. At all events, you had knowledge of some complaint to the Attorney-General's Department, and you were, as a result of that information which had come to the attention of your Branch, were checking it out?

A. Yes, I was.

Q. And you found the Mayor had not made any complaint?

A. I prepared a report, in answer to the complaint, outlining all these things which I did.

Q. In the testimony you gave this morning, you knew that Feeley was using the technique of using names, on phone calls, to register complaints?

then to Fort Knox, to confess Chief Bowman and Inspector Mooney, in Henry Ford cases closed. This is now the Club in Jewels Community which was on Thompson Road, beside the race track; wherever it was closed.

Natural Club closed and replaced by

"Co-Ryng ex Jewels ki Kilimanjaro

"Tomorrow Name Carlton Hotel."

Star Ace Bailey is out of the Jewels Community Police Jurisdiction, and proceeding in under the Provincial Police.

Q. Did Guy make reference

A. Not to my knowledge. This is information that I gathered.

Q. In all events you had knowledge of some complaint to the Attorney-General's Department, and you were, as a result of that information which had come to the attention of your Branch, were checking its merit

A. Yes, I was.

Q. And you found the Royce had not such any complaint

A. I prepared a report, in answer to the complaint, outlining all these things that I did.

Q. In the testimony you gave this morning, you knew that Bailey was using the technique of using names, on phone calls, to implement complaints.

A. That was suggested by himself.

Q. By himself?

A. Yes.

Q. So that this could be one of that type of complaint?

A. It could be.

Q. Did you in any way report back to Mr. Silk, about what you were doing?

A. I prepared a memorandum.

Q. To whom?

A. A memorandum to Mr. W. H. Clark, acting Commissioner, re Ramsey Club, 1693 Victoria Avenue, Niagara Falls, Ontario, and under my signature. Mind you, I am dealing with a copy; that is my reply, of my investigation (indicating).

Q. Well, did you mention the call that had been received at the Attorney-General's Department in that report? I do not think I have ever seen that before, have I?

A. I am sorry, I could not answer that question, without I peruse this report.

--- (The witness looking at a document)

I said, at 2.45 p.m., the same date, Chief Inspector ---

Q. Maybe you had better go back to the paragraph ahead of that; this is the document dated July 31st, 1958?

A. Yes, that is right.

Q. Then was suggested by Schmitt:

Q. Mr Kimmel?

A. Yes.

Q. Do that man would be one of that type of complaints?

A. He would be.

Q. And you in was only request last in Mr. Hill, Schmitt what you were doing?

A. I investigated a complaint.

Q. In whom

A. I investigation to Mr. W. H. Clark, acting Commissioner, re Energy Club, 1401 Pennsylvania Avenue, Niagara Falls, Ontario, and under my signature. Also you, I am leaving with a copy; that is my reply, of my investigation (indicating).

Q. Well, did you mention the call that had been received at the Attorney-General's department in that report? I do not think I have ever seen that before, have I?

A. I am sorry, I could not answer that question, without I peruse this report.

— (The witness handing it to counsel)

I said, on 8-23 p.m., the been here,

Chief Justice —

Q. Maybe you had better go back to the paragraph ahead of that; this is the paragraph that you that, here?

A. Yes, that is right.

I believe at this time Sgt. Anderson would be on holidays, and this is why I was dealing with it, direct through in his absence.

Q. Start, with "Friday, July 25th, 1958".

A. I beg your pardon?

Q. Start with "Friday ---"

A. I beg your pardon, Friday July 25th, 1958.

"Friday, July 25th, 1958 at 2.00 p.m.,
"Miss Mather answered a call to this
"office and spoke with a male person,
"who identified himself as the Mayor
"of the City of Niagara Falls,
"Mr. Hawkins. The man said he operated
"a drug store in Niagara Falls and he
"was receiving complaints from mothers
"whose sons were losing money at the
"Club, also from several merchants who
"were complaining bitterly regarding
"what this affair was doing to the City.
He said the Club was operated and
"attended mostly by American Italians
"and said that a shooting would well
"result from the operation of the Club
"and that, as Mayor, would be held
"responsible. He stated he was becoming
"a nervous wreck from the complaints he
"was receiving and that nothing had been done
"since a complaint of two to three months
"previous had been lodged. Miss Mather

I believe he this time Sgt. Jameson would be on politics, and this is why I was dealing with it, direct through in his absence.

Q. Where, with Village, July 25th, 1921?

A. I beg your pardon?

Q. Where with Village ---?

A. I was over there, Friday July 25th, 1921.

Village, July 25th, 1921 at 7.00 p.m.,

Line Inspector answered a call to this station and spoke with a male person.

The Complaint Admitted in the Magistrate of the City of Kingston Ontario.

Q. Question. The was said in reference a drug store in Kingston Ontario and he the complaints from customers there were there looking power at the time, also from general merchants and from complaining actively prosecution.

"and the station was doing in the city.

"So said the Club was operated and "conducted mainly by Kingston Citizens "and said that a smoothing would well "result from the operation of the Club "and then, as Mayor, would be held "responsible. He stated he was becoming "a nervous wreck from the complaints he "was receiving and that nothing had been done "since a complaint of two to three months "previous had been lodged. Also Jameson

"asked the party to provide his telephone
"number so that the writer could call
"and converse with him but he would not
"give the phone number and stated he
"wished to speak with Sgt. Anderson
" 'down there' (Niagara Falls)".

Now, the two preceding paragraphs also dealt with calls, and some may have been taken by different persons.

Q. That is calls of similar type, of July 23rd, and July 24th?

A. Yes, that is right.

Q. Yes.

A. And then the next paragraph:

"At 2.45 p.m., same date, Chief
"Inspector W. J. Franks, Criminal
"Investigation Branch, advised Constable
"Wright he had received a telephone
"call from Mr. Hawkins, Mayor of Niagara
"Falls. Mr. Hawkins stated he had
"attempted to call the Attorney-General,
"Mr. K. Roberts, the Deputy Attorney-
"General, Mr. W. Common, also
"Mr. W. Bowman and, in the absence
"of all three of these members of the
"Attorney-General's Office, had then
"conversed with the Assistant Deputy
"Attorney-General, Mr. E. Silk. He
"had complained with respect to the
"Ramsay Club and Mr. Silk had advised

"asked the party to provide his telephone
"number in case the author could call
"his employer. This he did by writing down
"'Give the phone number and request to
"contact Mr. Grant Allen Ltd. Robinson
" 'Have drawn' (Glasgow-Calls)".
Now, the two preceding paragraphs also
deals with calls, and some may have been
been of different persons.

4. Were is calls of another type, of
July 22nd, and July 24th?

A. Yes, that is right.

Q. You.

A. And there the next paragraphs
"Mr. E.M.B. Grant, also date, dated
"September 2, 1, Brown, Original
"Investigation Report, Attend Constable
"Wright he had received a telephone
"call from Mr. Hawkins, Payer of Niagara
"Falls. Mr. Hawkins stated he had
"accompanied to call the Attorney-General,
"Mr. C. Edwards, the Deputy Attorney-
"General, Mr. W. Brown, also
"Mr. W. Brown and, in the absence
"of all three of these members of the
"Attorney-General's Office, had been
"associated with the National Depute
"Attorney-General, Mr. E. Kirk.
"Had complained with respect to the
"Ramsay Club and Mr. Kirk had advised

"him to call Chief Inspector Franks.
"He advised Chief Inspector Franks he
"had complained to the Anti-Gambling
"Branch but nothing had been done.
"Inspector Franks told him something of the
"manner in which the Branch operated
"and advised him that discreet action
"was no doubt being taken by the Branch.
" The writer returned to this office
"Monday, July 28th, 1958, after being
"absent on duty and, when examination
"of the above mentioned complaints had
"been made, it seemed there was some
"repetition in the nature of them.
"Further, they appeared to follow a pattern
"with respect to the nature of the
"complaints and general information
"which I had previously received from
persons far removed from the office
"of the Mayor of Niagara Falls. This,
"coupled with the fact that Sergeant
"Anderson had previously been advised
"that Magistrate Roberts had called
"this office and requested to speak with
"him and, when Sergeant Anderson returned
"this call he learned the Magistrate had
"not called him, caused me to think the
"calls, reportedly from Mr. Hawkins,
"were from some person misrepresenting
"himself.

" Tuesday, July 29th, 1958, the writer
"proceeded to Niagara Falls and spoke
"with Mayor Hawkins at his place of
"business, Winn's Drug Store, 660 Queen
"Street, and I learned that, although
"he had received complaints with respect
"to the Ramsay Club and he, as a member
"of the Police Commission, had directed
"Chief Constable Pay to request the
"assistance of this Branch to deal with
"the Club, he had not at any time
"placed telephone calls to the office
"of the Attorney-General, nor to this
office, to lodge any complaints.
" The above mentioned facts were
"related to Chief Inspector Franks,
"Wednesday, July 30th, and it was
"decided that Mr. E. Silk be called
"to see if he had received a call from
"Mr. Hawkins with respect to this
"matter. I placed a call to Mr. Silk
"and he advised me he had received no
"call concerning the matter. He,
"in turn, spoke with The Honourable,
"The Attorney-General and The Deputy
"Attorney-General and they stated they
"were aware of the friction between
"the operators of the Bertie Township
"Club and the Ramsay Club but that they
"had received no complaints from the

"Tuesday, July 26th, 1927, the writer
"proceeded to Niagara Falls and spoke
"with Mayor Hawkins at his place of
"business, Wann's Drug Store, the three
"women, and I learned that, although
"he had received complaints with reference
"to the Rescue Club and he, as a member
"of the Police Commission, had informed
"Chief Cummings he is powerless to
"substance of this Kennel to deal with
"the Club, he has not had time
"to have taken action with the advice
"of the Attorney-General, nor to take
"action, to judge any complaints.
"The above memorandum was
"returned to Chief Inspector Francis.
"Wednesday, July 27th, and it was
"decided that Mr. X. Rain be called
"to see if he had received a call from
"Mr. Hawkins with respect to this
"matter. I placed a call to Mr. Rain
"and he advised me he had received no
"call respecting the matter. So,
"in turn, spoke with The Honourable,
"the Minister-General and the Deputy
"Attorney-General and they stated they
"were aware of the friction between
"the members of the Niagara Humane
"Club and the Rescue Club but that they
"had received no complaints from the

"Mayor of Niagara Falls.

"Mayor Hawkins was advised that this "matter would be given our every "consideration and that we would attempt "to bring this investigation to a "successful conclusion as quickly as "possible."

Q. Now, is this the original of your report of July 31st, 1958, from which you have been reading (indicating)?

A. Yes.

THE REGISTRAR: That will be Exhibit number 120.

--- EXHIBIT NO. 120: Ontario Provincial Police Report, being a memorandum to W. H. Clark, Acting Commissioner, re the Ramsay Club, 1693 Victoria Avenue, Niagara Falls, Ontario, dated July 31st, 1958.

Q. Relating that document to the notation in your diary under date of July 29th, 1958, and the reference there, to Mr. Silk?

A. Yes.

Q. Now, in your report of July 31st, there is no suggestion that any call was made by anybody representing himself to be Mr. Hawkins to Mr. Silk; I just want to clear that up. On the last paragraph of page 2, there was a call by Chief Inspector Franks, to

Mr. Silk, and there was a later conversation between yourself and Mr. Silk?

A. Yes.

Q. Am I right in concluding that there was not a call by anybody, representing themselves to be the Mayor of Niagara Falls to Mr. Silk, which Mr. Silk reported to the O.P.P., if I read your report right?

THE COMMISSIONER: That is not the way I understood it; I thought someone had called Mr. Silk, by representing himself to be Hawkins?

MR. WILSON: I thought so too, but this report does not say that Mr. Commissioner; have you got a copy of it, before you?

THE COMMISSIONER: No.

MR. WILSON: On the second page, the last paragraph.

MR. ROSE: What Exhibit is that?

MR. McKINNON: Exhibit 120.

THE COMMISSIONER: That seems to be right?

MR. WILSON: Maybe it is a littler ---.

THE COMMISSIONER: I understand this now. Franks received, or advised Wright that he, Franks, had received a telephone call from Hawkins, in which Hawkins had stated he had tried to reach the Attorney-General, the Deputy Attorney-General, and also Mr. Bowman, and in his absence, in their absence, he had

Mr. Zeis, and there was a later conversation between yourself and Mr. Zeis?

A. Yes.

Q. Do I right in understanding that there was not a call by anybody, representing himself to be the Mayor of Glasgow Bridge to Mr. Zeis, which Mr. Zeis reported to the City?

THE CONSTABLE: That is not the way I understood it. I thought someone had called Mr. Zeis, by representing himself to be Hawkins?

Mr. WILSON: I thought so too, but this answer isn't on the list. Mr. Commissioner have you got a copy of it, before you?

THE COMMISSIONER: No.

Mr. WILSON: On the second page, the last paragraph.

Q. MOLE: What Hawkins is that?

A. WILSON: Sergeant.

THE COMMISSIONER: That seems to be right.

Mr. WILSON: Maybe it is a letter --.

THE COMMISSIONER: I understand this man, Hawkins, having an arrested Glasgow Bridge man, had received a telephone call from someone, in which Glasgow had planned to be let loose to punish the Attorney-General, the Deputy Attorney-General, and also Mr. Freeman, and in the-morrow, in this country, he had

conversed with the Deputy Assistant Attorney-General, Mr. E. Silk.

Now, that is not Mr. Silk talking; that is a report of a Magistrate, or someone representing himself to be Hawkins, and telling what he had attempted to do, including the talk on the phone with Silk.

MR. WILSON: Yes.

THE WITNESS: Wright had passed this information to me.

THE COMMISSIONER: I understand.

THE WITNESS: I was out, I guess at the time, and when I returned this is what he told me.

THE COMMISSIONER: Then you investigated the matter; and did you discover - yes you did. You investigated the matter, and discovered Mr. Silk had not received a call from anybody representing himself to be Mr. Hawkins.

THE WITNESS: That is correct, my lord.

THE COMMISSIONER: All right.

MR. WILSON: Q. At all events, you did not contact Mr. Silk at all, at that time? You did not get in touch, yourself, with Mr. Silk?

A. I acted ---

Q. Before you went to Niagara Falls?

A. No. I thought this was a complaint which he was properly passing on, for our Department.

conversed with the County Auditors Attorney-General, Mr. E. Silk.

Now, that is not Mr. Silk talking; that is a record of a regularity, or someone representing himself to be Smelter, as telling what he had attempted to do, installing the tank on the phone with Silk.

MR. WILSON: Yes.

THE WITNESS: Might had passed that information to me.

THE COMMISSIONER: I understand.

THE WITNESS: I was not, I guess at the time, and when I returned this is what we built.

THE COMMISSIONER: Then you investigated the matter; and did you discover - you did. You investigated the matter, and discovered Mr. Silk had not received a call from anybody representing himself to be Mr. Hawkins.

THE WITNESS: That is correct, my lord.

THE COMMISSIONER: All right.

MR. WILSON: Q. At all events, you did not contact Mr. Silk at all, at that time? You did not get in touch, yourself, with Mr. Silk?

A. I guess ---

Q. Before you went to Niagara Falls?

A. No. I thought that was a complaint motion or was properly handled so, for my department.

Q. Which Inspector Franks was passing on?

A. Yes.

THE COMMISSIONER: No. "I placed a call to Mr. Silk, and advised him:"

MR. McKINNON: That is later.

THE WITNESS: I understood Mr. Wilson ---

THE COMMISSIONER: Before you went to the Falls:

THE WITNESS: Yes.

MR. WILSON: Before he went to the Falls.

THE COMMISSIONER: It does not make much difference. He discovered at some time, in any event, that.

MR. WILSON: Q. Did you discover that all these alleged calls that were supposedly made by Mayor Hawkins, had not in fact been made?

A. Not by he; not by he.

Q. By him?

A. Not by he.

Q. Inspector Franks thought he was talking to Mayor Hawkins, and in fact he was not?

A. Yes, that is a fact.

Q. Coming to the third page of this report, Exhibit 120, the second to last paragraph, you say:

"I placed a call to Mr. Silk, and he "advised me he had received no call

Q. Have Inspector Franks was present and

A. Yes.

THE COMMISSIONER: No. "I placed a call to Mr. Kilk, and advised him:"

MR. MACDONALD: That is later.

THE WITNESS: I mentioned Mr. Kilgour --

THE COMMISSIONER: Before you went to the Mella:

THE WITNESS: Yes.

MR. WILSON: Before he went to the Police.

THE COMMISSIONER: It does not make much difference. He discovered at some time, in any event, that.

MR. WILSON: Q. Did you discover -- or did some alleged calls that were supposedly made by Mayor Hawkins, had not at that time made?

A. Not by me; not by me.

Q. By them?

A. Not by me.

Q. Inspector Franks thought he was talking to Mayor Hawkins, and in fact he was not?

A. Yes, that is a fact.

Q. Coming to the third page of that report, Exhibit 1-C, the second to last paragraph, you say:

"I placed a call to Mr. Kilk, and he

"concerning the matter".

A. Yes.

Q. That is correct? Did he advise you?

A. That is what I have written here; and I have no reason to think otherwise.

Q. (Reading)

"He, in turn, spoke with the Honourable, "the Attorney-General and the Deputy "Attorney-General and they stated they "were aware of the friction between "the operators of the Bertie Township "Club and the Ramsay Club but that "they had received no complaints from "the Mayor of Niagara Falls."

A. That is what he told me.

Q. You say that is what Mr. Silk told you at that time?

A. Yes sir.

Q. Do you know whether or not the Attorney-General or the Deputy Attorney-General were in Toronto at that time?

A. I do not know that sir.

Q. How many people was this man who represented himself as Mayor Hawkins, reputed to have telephoned on the basis of your investigation?

A. I never talked to any of them, and in this memorandum I have incorporated calls from different persons that they had received

"concerning the matter".

A. Yes.

Q. That is correct? And he states

you?

A. That is what I have written here;

and I have no reason to doubt concerning.

Q. (Continued)

"He, in turn, spoke with the Honourable,

the Attorney-General and the Deputy

Attorney-General and then stated they

were aware of the Tribunal's powers

the operations of the Lands Commission

Club and the Money Club but that

they had received no complaints from

that myself or Dominic Ayala.

A. That is what he told me.

Q. The gist was is that Mr. Gill told

you by some letter.

A. Yes sir.

Q. Do you know whether or not the

Attorney-General or the Deputy Attorney-

General were in Jamaica at that time?

A. I do not know that sir.

Q. How many people was this man who

represented himself as Royal Mounted, wanted

to have telephoned on the basis of your

[illegible]?

A. I never talked to any of them, and

in this memorandum I have inconvenienced only

from individual persons that had complaint

with respect to this Club.

And on Wednesday, July 23rd, it was a female person who called. Again - yes; I erred there, and spoke with myself (sic).

And then on the 24th, Constable Wright had occasion to speak with a male person.

On the 25th, Miss Mather answered a call.

Q. Now, in 1958 - I beg your pardon; in 1958 you had eight calls, altogether from Feeley, based on the ---

A. I have not added, but if that is what you say!

Q. Now, was July 29th the last call that you had from Feeley, in 1958?

A. That is the last date that I have any record of any call; if he called me, I have not recorded it. I did keep track of the times he reported me (sic) but I have no individual one.

Q. At all events he did not bother you after July 29th, 1958. Is that correct?

A. I have no record that he did.

Q. Did you go on your holidays shortly after that time?

A. Yes. I used to take my holidays in August, usually commencing with the holiday weekend, and then following thereafter through the best part of August.

Q. Did you ever hear from him, after

this request is this time.

And on Wednesday, July 22nd, is was a family picnic the relatives. Again - you I served there, and spoke with myself (sic).

And then on the 24th, Constable Wright did something to alone with a male person.

On the 26th, Miss Mather answered a call.

Then, in 1924 - I mean prior periods in 1924 and 1921 calls, disorderly and drunk, taken up and ——

A. I have not added, but if that is what you say?

Q. Now, was July 26th the last call that you had from Wesley, in 1920?

Q. Was it the last call that I may have had or any call, if he called me? I have not recorded it. I did keep track of the times he reported me (sic) but I have no individual one.

Q. At all events he did not before you after July 26th, 1920. Is that correct?

A. I have no record that he did.

Q. Did you go on your holidays shortly after that time?

A. Yes. I used to take my holidays in August, usually commencing with the military weekend, but this following Saturday the last part of August.

Q. Did you ever hear from him, after

1958? From Feeley?

A. No, I have never talked - I would not say I had never talked to him; I ran into him by accident at one time downtown, but I have never talked to him after that, to my knowledge or recollection.

Q. What do you suggest terminated this series of telephone calls, some of which were very lengthy?

A. It could be the fact that the raid was carried out by Sgt. Anderson, in August.

Q. Now, from November 22nd, 1956, down to July 29th, 1958, we have been dealing with telephone calls from Feeley?

A. Yes, sir.

Q. And the reason why I fix November 22nd, is: that is your report to the Commissioner, of previous telephone calls?

A. I understand.

Q. Now, from November 22nd, 1956, to July 29th or after that date, 1958, did you ever make any further report to the Commissioner about those further telephone calls?

A. Not in a report form, no; not as to taking an outline, and going back to the history, or outlining anything.

Q. In any other form, did you ever report to the Commissioner?

A. I personally?

A. No.

[illegible] from Wesley?

A. No, I have never talked - I would not say I had never talked to Wesley. I was also has by accident at one time however, but I have never talked to him after that, in my knowledge or recollection.

Q. What do you suppose terminates this series of telephone calls, some of which were very lengthy?

A. It would be the fact that the end was reached but by 6:00, Jerusalem, in August.

Q. Now, from November 20th, 1960, up to July 29th, 1960, we have been dealing with telephone calls from Wesley?

A. Yes, sir.

Q. And the reason why I fix November 20th, is that this is your report to the Commissioner of previous telephone calls?

A. I understand.

Q. Now, from November 20th, 1960, to July 29th or after that date, 1962, did you ever ask Wesley for further values to the Commissioner about Carter Lightner calls?

A. Not in a report form, but as to making an auditor, and going back to the history, or building anything.

Q. In any other form, did you ever report to the Commissioner?

A. I personally?

A. No.

Q. Whom did you report then to, if anybody?

A. Anderson, I would say, knew of these calls.

THE COMMISSIONER: Now, could you not summarize it this way: that whatever reports you made, we now have them in evidence.

THE WITNESS: As they relate to phone calls, sir?

THE COMMISSIONER: Yes.

THE WITNESS: Yes.

THE COMMISSIONER: And there were none others?

THE WITNESS: No other telephone calls that I am aware of.

THE COMMISSIONER: And no other reports?

THE WITNESS: None. No sir.

MR. MacKINNON: That is not, strictly speaking, correct.

MR. WILSON: Am I right in saying that April, when you say ---

MR. MacKINNON: Apart from that, there is one of January 17th, 1957.

MR. WILSON: January 17th?

THE WITNESS: Is that a report of mine, sir?

MR. MacKINNON: Yes. "W. J. Shrubb, to Sgt. Anderson, in regard to the Tisdale Club".

MR. WILSON: But we are not dealing

Q. When did you report this to, if anybody?

A. Yesterday, I would say, from of these calls.

MR. CONSTANTINOPOULOS: Now, could you be assured of this? That everyone report to you early, or was there time in between.

THE WITNESS: We they which the phone calls, sir.

MR. CONSTANTINOPOULOS: Yes.

THE WITNESS: Yes.

MR. CONSTANTINOPOULOS: And where were those calls?

THE WITNESS: No other telephone calls that I am aware of.

MR. CONSTANTINOPOULOS: And of other reports?

MR. WITNESS: Yes, Sir Sir.

MR. CONSTANTINOPOULOS: That is all, strictly business, thanks.

M. WILSON: Am I right in saying that this was the ——

MR. CONSTANTINOPOULOS: Says from Sun, that is one of January 17th, 1997.

MR. CLARKE: Thanks Sir.

THE WITNESS: To stop a number of calls, sir.

MR. MARTINOVI: Mr. J. Chisom, is his signed on the Shell chart.

MR. CLARKE: Those are all letting

with the Tisdale Club.

MR. MacKINNON: But we have been referring to phone calls, from Vincent Feeley.

THE WITNESS: I did not say ---

MR. WILSON: Q. At any time, from January 1957, I think I am right in saying up until the time you made a report to Chief Inspector Graham in April, 1961, you did not make any report to a superior officer in respect of these further calls?

A. Not that I recall.

Q. No. And did you ever show your special diary which has been entered here as Exhibit 118 to any superior officer in the Force?

A. No sir.

Q. And does anybody in the Force have any knowledge of the existence of such a document?

A. Anderson, I believe did.

Q. Now, did you consider that you yourself might be under suspicion by reason of these calls, from a well known gambler, which we have just gone over here today, in 1957 and 1958?

A. Did I feel I might be under suspicion?

Q. Yes.

A. No, I did not. I thought that I was doing these things which might be expected of me; to make some notes of them, and at

with the Philippine Sugar.

MR. MAGNUSSON: But we have been informed by some valid, from Vanguard Shipping.

THE WITNESS: I did not say ---

MR. VILLAMOR: Q. Do you know, from January 1947, I think I am right in saying up until the time you made a report to Naval Intelligence during July 1947, you did not make any report to a subversive activity to Congress or some Congressmen, right?

A. Not that I recall.

Q. Now. Did you ever come upon your knowledge that Ernesto Lim is any subversive activity in the Navy?

A. No sir.

Q. And does anybody in the Navy have any knowledge of the existence of such a Communist?

A. Subversive, I believe Sir.

Q. Now, did you consider that you personally might be under suspicion, as regards of some calls, from a well known gambler, which we have just gone over here today, in 1947 and 1948?

A. Did I feel I might be under suspicion?

Q. Yes.

A. No, I did not. I thought that I was doing those things were right in separtial of my, in some sense of duty, and so

least if I were asked about them I had the explanation for them: that I was quite prepared to explain any - supposing if someone had come on to any records or anything like that, where my problem was real, I had felt that I had did what was necessary to protect my interest.

Q. When did you learn of what has been described as the Stringer Brief, or the Ramsay Club Brief for the first time?

A. Immediately after my return from holidays, in August, 1958.

Q. Can you fix the date, by your diary?

A. On August 26th, 1958.

Q. That is right.

A. It was the day immediately after my return from annual leave. I have the notation:

"Learned of Inspector A. Stringer's "meeting with Sgt. Anderson this date "re Ramsay Club, Niagara Falls, Ontario."

THE COMMISSIONER: Is that the 26th?

THE WITNESS: That is August 26th, 1958, my lord.

MR. WILSON: Q. You learned this from Anderson?

A. Yes, I did.

Q. What was the discussion you had with Anderson about that talk?

A. As soon as I read it all over, I

least if I were asked about them I had the explanation for them: that I was quite prepared to explain my - something if someone had come to me for reports or anything like that, where my process was that, I had felt that I had did have the something it seemed my interest.

Q. When did you learn of what has been described as the Scrimger Letter, or the Denny Via letter for the first time?

A. Immediately after my return from holidays, in August, 1958.

Q. Can you fix the date, by your diary?

A. In August 30th, 1958.

Q. Then in return.

A. It was the day immediately after my return from annual leave. I have the notations.

"Learned of Inspector A. Strutzer's testing with Mr. Scrimger with the Denny Via, Sidney Station, Victoria." Then underneath. It has the other WHE MITCHELL: That is August 30th, 1958, my learn.

MR. MILLER: Q. You learned this from someone?

A. Yes, I did.

Q. What was the conversation you had with Inspector Strutzer?

A. As soon as I read it all over, I

just said: "John, I have heard of this before over the telephone".

Q. Yes. You told him from whom you had heard it?

A. Certainly.

Q. And why did you make that statement?

A. It was not new to me.

Q. In other words, all the information in the brief you had already obtained this, on various calls, that you had had from Feeley?

A. Yes sir. At least an abundance of it. There may have been other additions in there, but such an abundance of it, that I had heard.

Q. Of course, it would not have been new to Anderson at that time; the fact that Feeley had conveyed this information to you, because as I understand your evidence, you had been keeping him advised from day to day as to what Feeley had been telling you?

A. That is right. You say day to day; it was not from - for one day ---

THE COMMISSIONER: From time to time.

THE WITNESS: Yes, certainly.

MR. WILSON: Q. But he knew all about the information Feeley had given you, by the time he got that brief from Stringer, on August 7th?

A. He should have.

Q. Yes. Coming back, or going back to the date of June 22nd; or May 22nd, I think

Mark said: "John, I have heard of white
buffaloes over the mountains".

Q. Now, [illegible] that Jesse would have
had [illegible]?

A. [illegible]

Q. Did you [illegible] that unknowingly?

A. It was not said to me.

Q. In other words, all the information
he was [illegible] you had already obtained from
[illegible]?

A. Yes sir, as I heard an announcement of it.
Jesse may have been talking [illegible] in store,
but none of announcements of it, that I had heard.

A. Of course, it would not have been
new to [illegible] at that time; the fact that
Bradley had conveyed some information to you,
he knew as I understand your evidence, you
had been informed that a student from Ely to see
if he knew Bradley had been [illegible]?

A. That is right. You see they go to Ely;
it was not Jesse - Jesse was [illegible]

MR. [illegible]: Jesse [illegible] in [illegible].

MR. [illegible]: Yes, [illegible].

MR. WITNER: Q. Did he make all about
the information Bradley had given you, by the
time he got home based from Sheffield, on
August 1?

A. He should have.

Q. Now, [illegible] or going back
to the date of [illegible] the day [illegible]. I believe

it was?

A. What year?

Q. 1958, where there was a break in the connection of your call that day from Vincent Feeley, as a result of which you obtained a number, from which he was calling.

Now, with that information, what did you do?

A. On my inquiries at the office of The Bell Telephone Company at 2150 Bloor Street, West, Toronto ---

THE COMMISSIONER: At what date?

THE WITNESS: I made the inquiries on May 28th, 1958. That is on the authority of the warrant.

MR. WILSON: Q. And you obtained toll tickets of long distance calls, from Crescent 8-2538, from May 13th, 1958 to June 10th, 1958; or maybe I should say to July 2nd, 1958.

A. Well, my first ---

THE COMMISSIONER: No, no. Excuse me.

THE WITNESS: I beg your pardon, my lord!

THE COMMISSIONER: You got the telephone tickets for the phone calls beginning when, and ending when?

THE WITNESS: On the first one, I went to the Records Office ---

Q. Can't you answer the question?

A. Yes, I can sir.

Q. Then, tell me.

A. The first time I got there, I got them for the period of May 13th, through to May 20th.

THE COMMISSIONER: May 13th, 1958 to May 20th, 1958?

THE WITNESS: But these were obtained from 880 Bay Street, the Billing Office.

THE COMMISSIONER: I don't care where you got them from, you did get them from some official source.

THE WITNESS: The Bell Telephone Company.

THE COMMISSIONER: Answer my question, please.

THE WITNESS: Yes.

THE COMMISSIONER: You obtained the toll tickets for the telephone calls from the Crescent number?

THE WITNESS: Yes, sir.

THE COMMISSIONER: For the period beginning when?

THE WITNESS: May 13th, 1958.

THE COMMISSIONER: Ending when?

THE WITNESS: May 20th, 1958.

THE COMMISSIONER: Thank you.

MR. WILSON: Q. And then at a later date you got some further toll tickets for calls from that number?

A. Yes, I did sir.

Q. For what period did that cover?

THE COMMISSIONER: When did you get them?

THE WITNESS: On June 3rd, 1958. I picked up toll tickets at 880 Bay Street for the period of May 21st, 1958, to May 26th, 1958, for Crescent 8-2538.

MR. MacKINNON: I am sorry, what is the last date?

THE WITNESS: May 21st, to May 26th.

THE COMMISSIONER: And that gave you toll tickets from May 13th to May 26th?

THE WITNESS: Yes, sir.

MR. WILSON: Q. I think you got some further tickets, or toll tickets after that?

A. Yes, I did sir.

Q. And what period did that cover? When did you get them?

A. On June 16th, I picked up toll tickets for the period of May 14th, to June 10th.

THE COMMISSIONER: May 14th.

THE WITNESS: Yes sir. I realize this is perhaps a period which has been referred to on the other tickets, but it is as the tickets were presented to me. Whether they put them in sequence in their office or not, I have no way of knowing.

THE COMMISSIONER: There is an overlapping there.

THE WITNESS: I appreciate that, but this is how they were presented to me. Sometimes their tickets are a little slow in coming in from some other offices.

MR. WILSON: When did you get some further toll tickets?

A. On June 19th I obtained a copy of direct distance dialling statement for phone calls, made June 4th and June 8th.

Q. There must be still some more. What was the last date you gave us.

THE COMMISSIONER: June 10th.

MR. WILSON: Q. June 10th, was it not? I have a reference to three calls of June 13th, 19th and July 2nd.

MR. MacKINNON: July 15th?

THE WITNESS: I picked up June 16th, June 19th and July 15th.

THE COMMISSIONER: What?

THE WITNESS: We picked up June 16th; I beg your pardon. June 3rd, June 16th, June 19th.

THE COMMISSIONER: Yes?

THE WITNESS: And July 15th.

THE COMMISSIONER: We have not got July 15th.

THE WITNESS: I have those in my hand, my lord.

THE COMMISSIONER: Just a moment (indicating).

THE WITNESS: There is a copy of a direct distance dialling stub for three calls.

THE COMMISSIONER: Have you distinguished them in the toll tickets?

[illegible]

[illegible] Well [illegible]

A. On June 12th I purchased a copy of Lloyd's insurance disclosing arrangements for [illegible] [illegible] [illegible] [illegible].

Q. There must be still some more, can you [illegible] [illegible].

[illegible]

MR. MURPHY: Q. June 12th, was it not? I have a [illegible] to those calls of June 12th, [illegible] [illegible].

[illegible]

THE WITNESS: I picked up June 12th, [illegible] June 14th.

THE CONTINUATION: What?

THE WITNESS: He picked up June 12th; I [illegible] your [illegible]. June 3rd, June 12th, June 14th.

THE [illegible]

THE [illegible]: [illegible]

THE CONTINUATION: He [illegible] [illegible] [illegible].

THE WITNESS: I have [illegible] to my [illegible] [illegible].

THE CONTINUATION: Just a moment [illegible].

THE [illegible]: [illegible] is a copy of Lloyd's insurance disclosing [illegible] for [illegible] calls.

Q. THE CONTINUATION: Have you [illegible] [illegible] [illegible] to the call [illegible]?

THE WITNESS: Yes sir.

THE COMMISSIONER: Give me the toll tickets to July 15th. You got toll tickets covering a period, commencing when?

THE WITNESS: One ticket I cannot make out; there is no date on it, that I can see, and the others are between the period of June 13th to July 2nd. That is toll tickets.

THE COMMISSIONER: July what?

MR. WILSON: July 2nd.

THE WITNESS: July 2nd.

MR. WILSON: If I could summarize?

THE COMMISSIONER: Excuse me Mr. Wilson. And in addition?

THE WITNESS: Yes. A copy of a direct distance dialling stub; statement for three calls; one of the 13th and two on the 14th of June.

MR. WILSON: You have already give us those.

THE COMMISSIONER: No. We will run through till a few minutes after four, and then adjourn until Tuesday morning, if that is satisfactory to everybody? I say, we will run through till shortly after 4.00 o'clock and adjourn until Tuesday morning.

MR. WILSON: Q. Now, you got then, for that number, toll tickets from May 13th, 1958, to July 2nd, 1958, and in addition to

THE WITNESS: Yes sir.

THE CONSTABLE: Have we the bill

dated 4th July 1924. The bill commence

counting a period, commencing about

THE WITNESS: The letter I cannot see

now; there is no date on it, that I can see,

but the bill shows the letter is dated

June 1st to July 2nd. This is bill shows,

THE CONSTABLE: Read the letter.

M. GUERIN: July 2nd.

THE WITNESS: July 2nd.

M. WEARON: If I could suggest that

THE CONSTABLE: Excuse me Mr. Wilson.

Ask the witness.

THE WITNESS: Yes. A copy of a drawer

dishes drilling-slip; commence for three

calls; one of the 12th and two on the 2nd of

June.

M. WILSON: You have already given us

THE CONSTABLE: No. We will run

through till a few minutes after four, and

then adjourn until Tuesday morning. If that

is satisfactory to everybody I say, we will

run through till exactly after 4.00 o'clock

and adjourn until Tuesday morning.

M. WEARON: Q. Now, you say that,

for that number, will address from May 12th,

1924, to July 2nd, 1924, and in addition to

which you have got certain direct distance calls?

A. Yes sir, that is right.

Q. Now, am I right in saying that in the first group, some of the calls were person to person, and some of the calls were to certain numbers?

THE COMMISSIONER: Now, are you going to take these in groups? I have it in my notes?

MR. WILSON: I have a summary, Mr. Commissioner, of all these calls, showing the place to which the call was placed, the destination of the call, the name of the person to whom the call was placed in all cases where there is a person to person call, and I have the cases where it was not person to person; I have the name to whom that telephone was registered giving the date, the time, or rather the length of the call, and the charge.

THE COMMISSIONER: Have you shown that to Mr. MacKinnon and Mr. Brewin?

MR. WILSON: As a matter of fact, to my surprise I find the witness has not seen it.

(Page 3105 follows)

which you have got certain third dimension
quality?

A. The air, that is right.

Q. Now, do I understand that in
the first place, some of the cells were
in person, and some of the cells were in
certain concept?

THE COMMISSIONER: Now, are you going
to take these in order? I have it in my
notes.

MR. WIGMORE: I have a question.

Q. Continuing, of all these cells, around
the place in which the cell was located, the
instructions of the cell, the name of the person
to whom the cell was given; is not some where
there is a person to receive cell, and I have
the cases where it was not person to person;
I mean the name to whom that telephone was
registered during the date, the time, or
receive the length of the call, and the charge.

THE COMMISSIONER: Have you answer that
in Mr. Lacombe and Mr. Brooks?

MR. WIGMORE: As a matter of fact, to
be accurate I find the witness has not been
[illegible]

(Same [illegible] Informed)

THE COMMISSIONER: I suppose you can vouch for the accuracy of it?

MR WILSON: Well, I perhaps must rely on Mr Carthy for that. What I thought would save us some time would be if I switched to another subject and let the witness check this with Mr Carthy so we can save an awful lot of time in going through these toll tickets one by one.

MR BREWIN: I suppose my friend might have extra copies made so we do know it too. Mr Commissioner?

THE COMMISSIONER: Oh yes. But you better let the witness check them first before he gives them to you.

MR BREWIN: Yes.

MR WILSON: Q. In the time remaining possibly we can deal with something else. Do you recall some conversations you had with Inspector Allan Stringer in 1955 with regard to a possible transfer?

A. Yes, I do.

Q. To District 8?

A. Yes.

Q. Will you just tell us how that came about?

A. May I please have my diary for 1955?

THE COMMISSIONER: Yes. (Diary produced to witness).

Q. Is that your regular police diary?

A. That is my regular diary, my lord.

MR WILSON: Q. You are referring to your diary of 1955, Exhibit 115. You can take my word for it that it is in fact Exhibit 115.

A. Exhibit 115, yes, sir. The date is June 7th.

Q. What is the entry there?

A. It is a unique entry, I would say.

THE COMMISSIONER: Q. What date is it?

A. June 7th, 1955.

MR WILSON: Q. What is the entry?

A. I have a circle drawn and I have it quartered. I have contained in those quarters the initials"C B I S", and to me that means "Contacted by Inspector Stringer".

Q. Why did you put it in in that way?

A. So that perhaps I and subsequently Sgt. Andersen, who I told about this, would be the only ones who would know about it.

Q. Would know what it was?

A. Yes, that's right.

Q. Well now, in what way were you contacted by Inspector Stringer on that date?

A. When I arrived at my home after my day's duty around 6 P.M. I was advised a call had been placed for me and that upon my not being there it would be returned. Shortly thereafter I received a telephone call and the party stated that it was Inspector Stringer who I knew to be the District Inspector of No. 8 District headquarters.

Q. Had you known Inspector Stringer before this date?

A. Yes, I had talked with him. I didn't know him before 1954 but I had talked to him prior to this date, yes.

Q. Now, what was the telephone conversation?

A. He told me that he would like to see me. My thought was, I was obliging to him, my thought was that he was an inspector of the department and a man who I certainly must accord my respect as an inspector, and I asked him what his pleasure would be. And it was arranged that I would meet him at the St. Regis Hotel on Sherbourne St.in this city sometime early in the evening.

I had my supper and I called Sgt. Anderson on the telephone and told him that I was on my way downtown and that I wished to see him, for him not to go out, that it was important that I see him.

THE COMMISSIONER: Q. You called

A. When I arrived at my home after my day's duty around 6 P.M. I was advised a call had been placed for me and that upon my next being home it would be returned.

Shortly thereafter I received a telephone call from the party whom had it was Deputyman Schroeder who I know to be the Detective Inspector [illegible]. I identify [illegible].

Q. Did you speak [illegible] [illegible] [illegible]?

A. Then I had talking with him.

I didn't know him before hand. I had a [illegible] to him prior to that date, yes.

Q. Now, where was this telephone [illegible]?

A. He told me that he would like to see me, my [illegible] I [illegible] to him. My thought was that he was an Inspector of the Department and I was sure I [illegible] [illegible] I by suspect as an Inspector, and I [illegible] what his planning would be. And it was arranged that I would meet him at the [illegible] Police Hotel on Broadway Ave.in this city [illegible] merely in the evening.

I had my supper and I called [illegible] on the telephone and said he [illegible] I met on my way downtown and then I warned [illegible] him. He then met to go over. Then it was [illegible] that I was [illegible].

[illegible] in the called

Anderson?

A. Yes, sir.

Q. Why?

A. Because he was my superior and he was the one who I worked with and he was the one I wanted to know that I was on my way to see Inspector Stringer, that I wouldn't go to the Inspector without someone knowing of my going to speak with him.

I stopped at Sgt. Anderson's and I told him what had happened and that I was to meet the Inspector in the St. Regis Hotel on Sherbourne Street and that I was proceeding there at that time.

I went to the St. Regis Hotel and the Inspector was seated in the lobby there. He got up and we left the hotel, went out the front door, and we started walking south just ambling along on Sherbourne Street along the west side.

Q. Did you go and speak to him in the lobby?

A. Yes, I did, sir. He was seated there. As I approached him he got to his feet.

Q. Who suggested you go outside?

A. Well, I don't think it was anybody's suggestion; it was a warm night; we just turned around and started walking towards the doorway, and we went out of the hotel.

[illegible]

[illegible]

A. Yes, sir.

Q. Why?

A. [illegible] he was my supervisor and he was the one who I worked with and he was the one I wanted to know that I was on my way to the Immigration Building, that I wouldn't go to the Immigration Building without someone knowing of my going to Grand Cayman.

I managed to find Immigration's and I told him where had happened and that I was to meet the Immigrator in this st. Roger Smith on Immigration Branch and that I was proceeding there on that time.

I went to the car, Kenny Smith and the Immigrator was standing in the Lobby there. He got up and we left the Building, went out the front door, [illegible] Immigration Branch [illegible] side.

Q. Did you go and speak to him in the Lobby?

A. Yes, I did, sir. He was second there. As I approached him he got to his feet.

Q. The gentleman you go [illegible]?

A. Well, I don't know if he was [illegible] Immigration's employee. It was a young [illegible] [illegible]

He told me that he had a matter on his mind which he had given a lot of thought to and he would like to advance it to me to see what I might think of it. He said ---

Q. Not too quickly, please.

A. He said he had knowledge of my work and that he had taken -- these won't be his exact words but ---

Q. The substance?

A. The substance of what he told me.

Q. Yes?

A. That he felt that he would like to have me come to work in his district. I was a little surprised at this but he related to me that he was looking for a sergeant to look after the bottom end of his detail along the Lakeshore, that is the Brighton, Cobourg, Bowmanville detachment areas, and that the person would -- or if I considered this at all that the person would perhaps live in one of the three municipalities there and would work the Lakefront area.

As we walked along Sherbourne Street, I had left my car parked immediately in front of the Police -- in front of the anti-gambling branch offices which are right adjacent to the Police College, and this is at 291-295 Sherbourne Street, and when we reached this point I suggested that we could get into my car,which we did,

He said he thought he had a number on his hand which he had given a lot of thought to and he would like to discuss it to me the one week I might qualify of it. He said —

Q. But too quickly, please.

A. He said he had inscribed it

on each leg that he did know — there

wasn't he just cannot remember but —

Q. This conversation

A. The conference of what he said

was.

Q. Yes?

A. That he felt that he would like

to have me come to work in his director. I

was I little perplexed at this but he explained

to me that it was limiting for a movement to

have other the person and of his school since

the beginning. That is the beginning, Chemistry,

Immunology Immunology Lower, and that the

person really — or if I remembered this as all

that the person really purchase line in one

of the three Immunologilities Where and could

work the Immunology Lower.

So we walked along Thousand street.

I had left my car parked immediately in front

of the Police — in front of the anti-quitting

museum million which has right helpment for the

Police military, and then is he Hill-Hill Hospital

street, and when we crossed this point I mentioned

that we could get into my car, which we did.

walking across the street, and we drove down to the lakeshore and over and parked on the Exhibition grounds, looking out over the Lakeshore Road.

He went on to tell me about his thoughts with respect to a transfer to his district, what the duties would be, and what would be involved in the matter. This gave me a lot of thought when he said I might be transferred there. And of course I wondered where I could fit in with men who were much my senior in years of service and experience, and this caused me some concern.

It was indicated to me that if I took this job it would call for sergeant's stripes for the purpose of having the control over the men in those detachments. I asked him about this fact, and this was why I was concerned about the other men who he must have in his district who were much senior to I, some of them senior in service as constables and let alone copporals and sergeants. And I questioned this. I asked him if that wouldn't represent a problem and he said, "well, the Commissioner had pretty well always granted him his requests, and he felt reasonably certain that he would do so on this occasion if it was advanced to him.

Naturally the thought of promotion to a sergeant to me at that time was something

[illegible] [illegible] [illegible] [

to be considered. And I asked him, I would say three or four times, if this meant a promotion, immediate promotion upon going there, to the rank of a sergeant, and he assured me that it would, that he had no complement inhis district for ---

Q. He had no what?

A. No complement, no place, let's say, for another corporal, for him to ask for to have another corporal transferred in, that there was just no place for it, and that therefore the promotion to the rank of a sergeant would be a must.

He asked that I not acquaint Sgt. Wilson, who was then the sergeant in charge of the Cobourg detachment, of this matter, at least at this time, and I think maybe Sgt. Wilson was at that time performing this duty which was suggested to me or he was looking after a great deal of that detail.

We talked of other matters, the matter of living in Toronto, the cost of living, and what-not. It naturally came up, that subject. We spoke of those things. He told me that there was a time when it had been suggested to him that he could come to Toronto as a staff inspector but considering the change in living conditions he had declined any such offer.

For all purposes, his proposal was that

I, after due consideration on his part, that I was the one who could fulfill the task of being a sergeant to look after the detail along the Lakeshore and that I would receive immediate promotion to the rank of a sergeant upon accepting this, and that this would be my responsibility. And, as I say, I did question the fact of other senior officers ---

Q. Well, you have told us about that. Don't take time repeating that part of it.

A. Yes. In conclusion, it was suggested that I not make an immediate decision on this but that I think it over and let him know. And this was mutually agreed. I had not been too long in the anti-gambling branch, a little over a year, and there was certainly a lot of thought would have to go into it.

I went home and the next -- I didn't tell Sgt. Anderson the next day ---

MR WILSON: Q. Well now, just there, you say you went home?

A. Yes.

Q. Who did you tell about this proposal?

A. I would have talked it over with my wife.

THE COMMISSIONER: Q. Well, did you talk it over with her?

A. Yes, I am quite certain I did, sir.

MR WILSON: Q. Anybody else?

A. No, sir.

Q. Well, you were just about to say something about Sgt. Anderson. I take it you talked it over with him?

A. I didn't tell him about this the next day.

Q. Oh, you didn't tell him?

A. No. It was a little while after, and the date I am not sure of, sir.

THE COMMISSIONER: Q. What are you trying to say, that when you went home that evening you talked it over with your wife ——

A. Yes, I did, sir.

Q. That is to be expected. But you didn't tell Anderson for two or three days?

A. I am not too sure how long after it was. It wasn't too long but then again it wasn't immediately after either. I believe I made the remark to him "It wasn't what we thought". And there I left it, my lord.

Q. What did you mean by that?

A. Well, the reason I went to Anderson in the first place was this - or

A. Yes, I am quite certain I did, sir.

Q. Is Kirkham a Regional Bank?

A. Yes, sir.

Q. Well, you were just about to say something about that, Lordships. I take it you talked to Mrs. Kirkham?

A. I didn't tell her about this this morning.

Q. Is, you didn't tell her?

A. No. It was a little while after, and the date I am not sure of, sir.

The Commissioner: Q. Will you be trying to say, that when you went home that evening the Inland Revenue had just also —

A. Yes, I did, sir.

Q. That is to be expected. But you didn't tell Inland Revenue you had an income report?

A. I am not too sure how long after it was, it wasn't too long but that was it was I suppose to have "Ye women's work no business". And then I took it, my lords.

Q. Does Mrs Kirkham know?

A. Well, she knows I work for the Kirkhams in the Kirkham Arms Hotel — on Saturday.

why I told him; I was endeavouring to protect myself, to watch myself, and previous to this Inspector Stringer's name had come up in connection with some other matters and in -- matters which were reported upon and submitted through by way of police reports. I was just a little bit leary. And this is why I spoke to Anderson in the first place, so that he at least would know that I was going to be in the presence of this man.

So the next day I said to him, as I recall it ---

Q. "It wasn't what we thought"?

A. Yes.

Q. Well, what did you think?

A. We thought this may be -- we didn't know what it might be but that it may be something to interfere in some way with our duties as anti-gambling branch officers. I said to him, I believe it was the next day, I may have called him that night, I don't know, I am assuming here, I may have called him thatnight or I may have told him the next day, "It wasn't what we thought" and there I left it.

Then some time later, not too much later, I told Sgt. Anderson what had transpired. I don't know whether he made a record of it or not but I did tell him.

And then I come to the conclusion -- I

way I told him, I was unconvincing to persons
myself, to watch myself, and previous to this
Inspector Sherman's name had come up in conversa-
tion with some other Autumn and in — anything
which were supposed good and sufficient through in
way of police reports. I was just a little
bit leary. And this is why I remain to
endeavor in the first place, so that he
at least would know that I was trying to be
in the presence of this man.

So the next day I said to him, as I
recall it —

Q. "It wasn't what we thought?"

A. Yes.

Q. Will some and our history...

A. We thought this may be — we
didn't know what it might be but that it may be
connected to interviews in some way with
our Social or Anti-Communist Welfare.
I said to him, I believe it was the next day,
I may have called him that night. I don't
know, I am assuming here. I may have called
him tomorrow or I may have told him the
same day, "It wasn't what we thought" and Sherm
I had it.

Then some time later, not too much
later, I told him, somewhere next has transpired.
I don't know whether he made a record of it or
not but I did tell him.

And then I came to the conclusion — I

had a little hesitancy in my mind as to whether this was a sincere thought and whether this was the purpose for which I was being asked to accept this duty, but I thought, "Well, it sounds all right to me and if he feels I can carry out this responsibility, then I will accept it".

I went to Peterborough one day; I believe it was in July ---

THE COMMISSIONER: Would this be a convenient place to break off?

MR WILSON: Any objection?

MR MACKINNON: No objection.

THE COMMISSIONER: Tuesday morning at ten o'clock.

---Whereupon the Hearing adjourned at 4.05 P.M. Thursday, April 19, 1962, until 10.00 A.M., Tuesday, April 24, 1962.

IN THE SUPREME COURT OF ONTARIO

BETWEEN:

KENNETH H. BROWN and JAMES T. GOW, Trustees, on behalf of themselves and all other Shareholders of Beleggings-Societeit, N.V., and the said BELEGGINGS-SOCIETEIT, N.V., as represented by the said Kenneth H. Brown and James T. Gow,

Plaintiffs,

- and -

BELEGGINGS-SOCIETEIT, N.V., as represented by W.H.J. de Boer and J.C.W.M. Huijsmans,

Defendants.

TRANSCRIPT OF ARGUMENT ON APPEAL

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